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JIM EDGAR
Secretary of State

IS REGISTER

Rules of Governmental Agencies

TABLE OF CONTENTS

PROPOSED RULES

PAGE

BANKS AND TRUST COMPANIES, COMMISSIONER OF	
Corporate Fiduciary Branch Offices; 38 Ill. Adm. Code 395	2981
Corporate Fiduciary Subsidiaries; 38 Ill. Adm. Code 396	2985

CARNIVAL-AMUSEMENT SAFETY BOARD	
Carnival & Amusement Ride Inspection Law; 56 Ill. Adm. Code 6000	2989

POLLUTION CONTROL BOARD	
Effluent Standards; 35 Ill. Adm. Code 304	2999
Hazardous Waste Management System: General; 35 Ill. Adm. Code 720	3006
Underground Injection Control Operating Requirements; 35 Ill. Adm. Code 730	3014

PUBLIC AID, DEPARTMENT OF	
Medical Payment; 89 Ill. Adm. Code 140	3019

SECRETARY OF STATE	
Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010	3022

TRANSPORTATION, DEPARTMENT OF	
Procedures; 92 Ill. Adm. Code 107	3028

ADOPTED RULES

COMMERCE COMMISSION, ILLINOIS	
Agents for Service of Process; 92 Ill. Adm. Code 1207	3033
Cellular Radio Exclusion; 83 Ill. Adm. Code 760	3037
Minimum Rate; 92 Ill. Adm. Code 1300, Repeal of	3040
Telecommunications Access for the Deaf; 83 Ill. Adm. Code 755	3042

LEGISLATIVE INFORMATION SYSTEM	
Access to Legislative Information System Information; 2 Ill. Adm. Code 150	3049

MINES AND MINERALS, DEPARTMENT OF	
An Act in Relation to Oil, Gas & Other Surface & Underground Resources; 62 Ill. Adm. Code 240, Recodified	3053

POLLUTION CONTROL BOARD	
Hazardous Waste Injection Restrictions; 35 Ill. Adm. Code 738	3059
Hazardous Waste Management System: General; 35 Ill. Adm. Code 720	3075
Procedures for Permit Issuance; 35 Ill. Adm. Code 705	3082
RCRA & UIC Permit Programs; 35 Ill. Adm. Code 702	3089
Sewer Discharge Criteria; 35 Ill. Adm. Code 307	3100
UIC Permit Program; 35 Ill. Adm. Code 704	3116
Underground Injection Control Operating Requirements; 35 Ill. Adm. Code 730	3130

(continued on next page)

VOLUME 14
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Secretary of State
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PUBLIC AID, DEPARTMENT OF	
Aid to Families with Dependent Children; 89 Ill. Adm. Code 112	3170

PUBLIC HEALTH, DEPARTMENT OF	
Ill. Formulary for the Drug Product Selection Program, The; 77 Ill. Adm. Code 790	3184

REHABILITATION SERVICES, DEPARTMENT OF	
Program Description; 89 Ill. Adm. Code 675	3222

TRANSPORTATION, DEPARTMENT OF	
Hazardous Materials Civil Money Penalty Policy; 92 Ill. Adm. Code 401, Recodified	3234

EMERGENCY RULES

CARNIVAL-AMUSEMENT SAFETY BOARD	
Carnival & Amusement Ride Inspection Law; 56 Ill. Adm. Code 6000	3235

PUBLIC AID, DEPARTMENT OF	
Medical Payment; 89 Ill. Adm. Code 140	3241

JOINT COMMITTEE ON ADMINISTRATIVE RULES - REVIEW OF EXISTING RULES - STATEMENT OF OBJECTIONS & RECOMMENDATIONS

EDUCATION, BOARD OF HIGHER	
Higher Education Cooperation Act; 23 Ill. Adm. Code 1010, Objection	3275

FIRE MARSHAL, OFFICE OF THE STATE	
Fire Prevention & Safety; 41 Ill. Adm. Code 100, Recommendation	3277

NOTICE OF CODIFICATION CHANGES

TRANSPORTATION, DEPARTMENT OF	
Driving & Parking; 92 Ill. Adm. Code 397	3281

PUBLIC HEARINGS

CARNIVAL-AMUSEMENT SAFETY BOARD	
Carnival & Amusement Ride Inspection Law; 56 Ill. Adm. Code 6000	3282

PUBLIC INFORMATION

POLLUTION CONTROL BOARD	
Notice Pursuant to Ill. Rev. Stat. 1988 Supp. Ch. 111 1/2, Par. 1007.2(b) RCRA Rules Under Par. 1022.4(a)	3283
Notice Pursuant to Ill. Rev. Stat. 1988 Supp. Ch. 111 1/2, Par. 1007.2(b) SDWA Rules Under Par. 1017.5	3285
Notice Pursuant to Ill. Rev. Stat. 1988 Supp. Ch. 111 1/2, Par. 1007.2(b) UST Rules Under Par. 1022.4(d)	3287

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received	3295
Agenda for March 7, 1990	3289

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS	
90-044 League Of Women Voters Week (Revised)	3296
90-047 Declares Champaign County To Be A Disaster Area	3296
90-048 Irving Dilliard Day	3297
90-049 Lithuanian Independence Day	3297
90-050 RE/MAX Of Northern Illinois Day	3298

(continued on next page)

EXECUTIVE ORDERS AND PROCLAMATIONS (continued)

PROCLAMATIONS (continued)

90-051 Seed Month	3298
90-052 Volvo Tennis/Chicago Week	3299
90-053 American Music Month	3299
90-054 Legion Of Valor Day	3300
90-055 Luster's Black Heritage Day	3300
90-056 Student Council Week	3300
90-057 William J. Weisz Day	3301

CUMULATIVE INDEX

1990 Index - Issue #9	CI-1
-----------------------------	------

SECTIONS AFFECTED INDEX

1990 Index - Issue #9	SAI-1
-----------------------------	-------

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
Apr. 10, 1990	Apr. 17, 1990	17	Apr. 27, 1990	Oct. 16, 1990	Oct. 23, 1990	44	Nov. 2, 1990
Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

1) The Heading of the Part: Corporate Fiduciary Branch Offices

2) Code Citation: 38 Ill. Adm. Code 395

3) Section Numbers:
 395.10 Proposed Action:
 395.20 New Section
 395.30 New Section
 New Section

4) Statutory Authority: Implementing Section 1-7(b) and authorized by Section 5-1 of the Corporate Fiduciary Act (Ill. Rev. Stat. 1987, ch. 17, pars. 1551-7(b) and 1555-1).

5) A Complete Description of the Subjects and Issues Involved: This proposed rule contains factors relevant when reviewing an application by a corporate fiduciary to establish a branch office.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?
 Yes X No

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objective: The proposed rule does not create a mandate on units of local government, school districts or community college districts. Only corporate fiduciaries are subject to this proposed rule.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

William L. Conaghan or Barbara K. Shurr
 Commissioner of Banks and Trust Companies
 310 South Michigan Avenue, Suite 2130
 Chicago, Illinois 60604

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

12) Initial Regulatory Flexibility Analysis

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The Department of Commerce and Community Affairs has determined that corporate fiduciaries are not small businesses. Therefore, the proposed rule was not submitted to the Business Assistance Office.
- B) Types of small businesses affected: Small businesses are not affected by this rule.
- C) Reporting, bookkeeping or other procedures required for compliance: N/A
- D) Types of professional skills necessary for compliance: N/A

The full text of the Proposed Rule begins on the next page:

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIES

PART 395
CORPORATE FIDUCIARY BRANCH OFFICES

Section	Definitions
395.10	Purpose
395.20	Factors to be Considered by the Commissioner
395.30	

AUTHORITY: Implementing Section 1-7(b) and authorized by Section 5-1 of the Corporate Fiduciary Act (Ill. Rev. Stat. 1987, ch. 17, pars. 1551-7(b) and 1555-1).

SOURCE: Adopted at 14 Ill. Reg. _____, effective _____.

Section 395.10 Definitions

"banking office" means the main banking premises of a state bank and any branches established pursuant to the Illinois Banking Act (Ill. Rev. Stat., ch. 17, par. 301 et seq.) as now or hereafter amended.

"Commissioner" means the Office of the Commissioner of Banks and Trust Companies.

"corporate fiduciary" shall have the meaning ascribed to it in Section 1-5.05 of the Corporate Fiduciary Act (Ill. Rev. Stat., ch. 17, par. 1551-1 et seq.) as now or hereafter amended.

"corporate fiduciary branch office" means any location at which a corporate fiduciary provides its services, but shall not include a banking office of a state bank providing trust services.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

Section 395.20 Purpose

Section 1-7(b) of the Corporate Fiduciary Act (Ill. Rev. Stat., ch. 17, par. 1551-7(b) as amended by P.A. 86-754, effective September 1, 1989) requires a corporate fiduciary seeking to establish a corporate fiduciary branch office to apply for and obtain the approval of the Commissioner not less than 30 days prior to the purchasing or leasing of land, building or equipment for the corporate fiduciary branch office. This Part sets forth factors which are relevant when reviewing an application to establish a corporate fiduciary branch office.

Section 395.30 Factors to be Considered by the Commissioner
When reviewing an application to establish a corporate fiduciary branch office, the following factors are relevant:

- the ratio of fixed assets to capital of the corporate fiduciary;
- the earnings potential of the corporate fiduciary branch office;
- the general character and experience of the management of the corporate fiduciary and the corporate fiduciary branch office;
- the procedures developed for operations, controls and audits, and the facilities for safekeeping and recordkeeping at the corporate fiduciary branch office; and
- the financial condition of the corporate fiduciary.

COMMISSIONER OF BANKS AND TRUST COMPANIES

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

- 1) The Heading of the Part: Corporate Fiduciary Subsidiaries
- 2) Code Citation: 38 Ill. Adm. Code 396
- 3) Section Numbers:
 - 396.10 Proposed Action:
 - 396.20 New Section
 - 396.30 New Section
- 4) Statutory Authority: Implementing Section 1-7(c) and authorized by Section 5-1 of the Corporate Fiduciary Act (Ill. Rev. Stat. 1987, ch. 17, pars. 1551-7(c) and 1555-1).
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rule contains factors relevant when reviewing an application by a corporate fiduciary to establish a subsidiary.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?
 - Yes ☐ No ☒
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objective: The proposed rule does not create a mandate on units of local government, school districts or community college districts. Only corporate fiduciaries are subject to this proposed rule.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons who desire to comment on this proposed rulemaking may submit their comments in writing no later than 45 days after the publication of this Notice to:

William L. Conaghan or Barbara K. Shurr
Commissioner of Banks and Trust Companies
310 South Michigan Avenue, Suite 2130
Chicago, Illinois 60604

- 12) Initial Regulatory Flexibility Analysis
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: The Department of Commerce and Community Affairs has determined that corporate fiduciaries are not small businesses. Therefore, the proposed rule was not submitted to the Business Assistance Office.
 - B) Types of small businesses affected: Small businesses are not affected by this rule.
 - C) Reporting, bookkeeping or other procedures required for compliance: N/A
 - D) Types of professional skills necessary for compliance: N/A

The full text of the Proposed Rule begins on the next page:

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: COMMISSIONER OF BANKS AND TRUST COMPANIES
PART 396
CORPORATE FIDUCIARY SUBSIDIARIES

Section

396.10 Definitions

396.20 Purposes

396.30 Factors to be Considered by the Commissioner

AUTHORITY: Implementing Section 1-7(c) and authorized by Section 5-1 of the Corporate Fiduciary Act (Ill. Rev. Stat. 1987, ch. 17, pars. 1551-7(c) and 1555-1).

SOURCE: Adopted at 14 Ill. Reg. _____, effective _____.

Section 396.10 Definitions

"Commissioner" means the Office of the Commissioner of Banks and Trust Companies.

"corporate fiduciary" shall have the meaning ascribed to it in Section 1-5.05 of the Corporate Fiduciary Act (Ill. Rev. Stat., ch. 17, par. 1551-1 et seq.) as now or hereafter amended.

"corporate fiduciary subsidiary" means a subsidiary of a corporation organized for the purposes of accepting and executing trusts which has received a Certificate of Authority from the Commissioner to accept and execute trusts, but shall not include a state bank, a state savings and loan association, a state savings bank or any subsidiary thereof.

Section 396.20 Purpose

Section 1-7(c) of the Corporate Fiduciary Act (Ill. Rev. Stat., ch. 17, par. 1551-7(c)) requires a corporate fiduciary which proposes to establish a subsidiary, whether by incorporating the subsidiary or by acquiring the subsidiary, to apply for and obtain prior approval from the Commissioner, 60 days prior to commencing business by the subsidiary if newly incorporated, or prior to its acquisition if it is acquired.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PROPOSED RULES

Section 396.30 Factors to be Considered by the Commissioner
When reviewing an application to establish a corporate fiduciary subsidiary, the following factors are relevant:

- a) the types of activities to be conducted by the corporate fiduciary subsidiary;
- b) the earnings potential of the corporate fiduciary subsidiary;
- c) the general character and experience of the management of the corporate fiduciary subsidiary; and
- d) the effect of the corporate fiduciary subsidiary upon the financial condition of the corporate fiduciary.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Carnival and Amusement Ride Inspection Law
- 2) Code Citation: 56 Ill. Adm. Code 6000
- 3) Section Numbers:

6000.10	<u>Proposed Action:</u>
6000.280	Amendment
6000.330	New Section
- 4) Statutory Authority:
Carnival and Amusement Rides Safety Act, Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, pars. 4051 et seq., as amended by P.A. 86-543, effective September 1, 1989.
- 5) A Complete Description of the Subjects and Issues Involved: The change in Section 6000.10 and the addition of 6000.330 implement Public Act 86-543. The change in Section 6000.280 eliminates the undue hardship placed upon Round-Up ride owners without jeopardizing the safety of the amusement riding public.
- 6) Will this Proposed Rule Replace an Emergency Rule Currently in Effect?
Yes.
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does the Proposed Amendment Contain Incorporations by Reference? No
- 9) Are there any other Amendments Pending on this Part? Yes

Section Number	Proposed Action	Illinois Register
6000.80	Amendment	13 Ill. Reg. 13993
- 10) Statement of Statewide Policy Objectives:

Any branch of state or local government who owns or operates a tram or a Round-Up ride shall be affected in the same manner as any other operator of an amusement ride in the state. Any additional expenditures from local revenue for compliance with this act are considered minimal.

- 11) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking:

All persons desiring to comment on the proposed rules may do so at a public hearing to be held at 10:00 a.m., March 6, 1990, at the Illinois Department of Labor, 71 West Old State Capitol Plaza, Room 300, Springfield, Illinois, 62701.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

The Board will also consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis:

Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 6, 1990

Type of small businesses affected: Section 6000.280 affects the owners of Round-Up rides. Sections 6000.10 and 6000.330 affects owners and operators of trams which are not licensed by the Secretary of State and used primarily for the purpose of giving passengers amusement, pleasure, thrills or excitement.

Reporting, bookkeeping or other procedures required for compliance: Operators must file annually for a permit to operate and an inspection. Proof of insurance and an itinerary must be supplied at the time of filing. Operators must keep a record of repairs and maintenance and must have these records available at the time of inspection.

Types of professional skills necessary for compliance: Basic record keeping skills.

The full text of the proposed amendment(s) begins on the next page.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARDPART 6000
CARNIVAL AND AMUSEMENT RIDE INSPECTION LAW

Section	
6000.10	Definitions
6000.20	Exemptions
6000.30	Inspections
6000.40	Application for a Permit to Operate
6000.50	Permit and Inspection Fees
6000.60	Revocation of Permit to Operate (Repealed)
6000.65	Suspension of Permit to Operate
6000.70	Ride Design and Construction
6000.80	Insurance
6000.90	Penalties
6000.100	Appeals
6000.110	Assembly and Disassembly
6000.120	Operator Requirements
6000.130	Passenger Conduct
6000.140	Signal Systems
6000.150	Daily Inspection and Test
6000.160	Reports
6000.170	Maintenance
6000.180	Stop Operation Order
6000.190	Fire Prevention and Protection
6000.200	Internal Combustion Engines
6000.210	Means of Access and Egress
6000.220	Electrical Equipment
6000.230	Hydraulic Systems
6000.240	Air Compressors and Equipment
6000.250	Wire Rope
6000.260	Chain
6000.270	Inflated Amusement Attractions and Inflated Buildings
6000.280	Non-Destructive Testing
6000.290	Ski Lifts, Aerial Tramways, and Rope Tows
6000.300	Go-Karts, Dune Buggies and All-Terrain Vehicles
6000.310	Water Slides
6000.320	Dry Type Slides
6000.330	Trams

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4051 et seq. as amended by P.A. 86-543, effective September 1, 1989).

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days, emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. _____, effective _____, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

Section 6000.10 Definitions

In addition to those definitions found in Section 2-2 of The Carnival and Amusement Rides Safety Act (the Act), (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4052), the following definitions shall apply for the purposes of these regulations:

"Annual Inspection" is the official inspection of a ride or device made by the Director or his designee.

"ANSI" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

"ASTM" is the abbreviation for American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

"ASNT" is the abbreviation for the American Society for Nondestructive Testing, Inc., 2153 Arlington Plaza, Caller #28518, Columbus, Ohio 43228-0518.

"DEPARTMENT" MEANS ILLINOIS DEPARTMENT OF LABOR. (Section 2-2 of the Act)

"DIRECTOR" MEANS THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF LABOR OR HIS DESIGNEE. (Section 2-2 of the Act)

"DRY SLIDES" means an inclined surface with a change in elevation of twenty feet or more upon which people slide or are conveyed.

"FLUME" means an inclined channel which conveys the water and the slide participant from the top of the slide to the plunge pool.

"Kiddie Rides" are those rides which are designed for 75 pounds or less per passenger.

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARD

PART 6000
CARNIVAL AND AMUSEMENT RIDE INSPECTION LAW

Section	
6000.10	Definitions
6000.20	Exemptions
6000.30	Inspections
6000.40	Application for a Permit to Operate
6000.50	Permit and Inspection Fees
6000.60	Revocation of Permit to Operate (Repealed)
6000.65	Suspension of Permit to Operate
6000.70	Ride Design and Construction
6000.80	Insurance
6000.90	Penalties
6000.100	Appeals
6000.110	Assembly and Disassembly
6000.120	Operator Requirements
6000.130	Passenger Conduct
6000.140	Signal Systems
6000.150	Daily Inspection and Test
6000.160	Reports
6000.170	Maintenance
6000.180	Stop Operation Order
6000.190	Fire Prevention and Protection
6000.200	Internal Combustion Engines
6000.210	Means of Access and Egress
6000.220	Electrical Equipment
6000.230	Hydraulic Systems
6000.240	Air Compressors and Equipment
6000.250	Wire Rope
6000.260	Chain
6000.270	Inflated Amusement Attractions and Inflated Buildings
6000.280	Non-Destructive Testing
6000.290	Ski Lifts, Aerial Tramways, and Rope Tows
6000.300	Go-Karts, Dune Buggies and All-Terrain Vehicles
6000.310	Water Slides
6000.320	Dry Type Slides
6000.330	Trams

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4051 et seq. as amended by P.A. 86-543, effective September 1, 1989).

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days, emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. _____, effective _____, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

Section 6000.10 Definitions

In addition to those definitions found in Section 2-2 of The Carnival and Amusement Rides Safety Act (the Act), (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4052), the following definitions shall apply for the purposes of these regulations:

"Annual Inspection" is the official inspection of a ride or device made by the Director or his designee.

"ANSI" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

"ASTM" is the abbreviation for American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

"ASNT" is the abbreviation for the American Society for Nondestructive Testing, Inc., 2153 Arlington Plaza, Caller #28518, Columbus, Ohio 43228-0518.

"DEPARTMENT" MEANS ILLINOIS DEPARTMENT OF LABOR. (Section 2-2 of the Act)

"DIRECTOR" MEANS THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF LABOR OR HIS DESIGNEE. (Section 2-2 of the Act)

"DRY SLIDES" means an inclined surface with a change in elevation of twenty feet or more upon which people slide or are conveyed.

"FLUME" means an inclined channel which conveys the water and the slide participant from the top of the slide to the plunge pool.

"Kiddie Rides" are those rides which are designed for 75 pounds or less per passenger.

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 6000.10 Definitions (Cont'd.)

This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

"Major Breakdown" means a stoppage of operation of an amusement ride or amusement attraction occurring from damage of a structural component.

"Major Rides" are those rides which are designed for more than 75 pounds per passenger unit.

"NFPA" is the abbreviation for National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

"OPERATOR" MEANS A PERSON, OR AGENT OF A PERSON, WHO OWNS OR CONTROLS OR HAS THE DUTY TO CONTROL THE OPERATION OF AN AMUSEMENT RIDE OR AMUSEMENT ATTRACTION AT A CARNIVAL OR FAIR. "OPERATOR" INCLUDES AN AGENCY OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS. (Section 2-2 of the Act)

"Payment of Fees" as used in this Part shall be deemed made if the department receives all fees assessed in the form of a check or money order made payable to "Illinois Department of Labor" no later than seven calendar days after the date of inspection. When an inspector presents to the operator an invoice for all applicable fees due, the operator's signature thereon shall constitute an acknowledgment by the operator that the fee amount is correct and is properly due and owing the Department.

"Permit" means a permit issued annually by the Department to an operator allowing an amusement ride or an amusement attraction unit to be operated in the State of Illinois.

"Plunge Pool" means a pool or artificial body of water into which a person exits from a water slide.

"Reinspection" is an inspection, other than the annual inspection made during the year, as a result of any necessary repairs not being completed while the inspector is on site.

"Serious Injury" means an injury for which treatment by a licensed physician is required.

"Tram" means: ANY TRAM, OPEN CAR, OR COMBINATION OF OPEN CARS OR WAGONS PULLED BY A TRACTOR OR OTHER MOTORIZED DEVICE WHICH IS NOT LICENSED BY THE SECRETARY OF STATE, WHICH MAY, BUT DOES NOT NECESSARILY FOLLOW A FIXED OR RESTRICTED COURSE, AND IS USED

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 6000.10 Definitions (Cont'd.)

PRIMARYLY FOR THE PURPOSE OF GIVING ITS PASSENGERS AMUSEMENT, PLEASURE, THRILLS OR EXCITEMENT, AND FOR WHICH AN INDIVIDUAL FEE IS CHARGED OR A DONATION ACCEPTED WITH THE EXCEPTION OF HAYRACK RIDES.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 6000.280 Non-Destructive Testing

- a) Operators shall provide the Department with a certificate of non-destructive testing for each part which the manufacturer recommends testing or the Board requires to be tested.
- b) Persons performing non-destructive testing on amusement ride components shall be qualified to NDT Level II or NDT Level III, in accordance with the American Society for Nondestructive Testing Recommended Practice No. SNT-TC-1A. The American Society for Nondestructive Testing Recommended Practice No. SNT-TC-1A, 1984 Edition, is hereby incorporated by reference and does not include any later editions, amendments, or corrections. Only individuals qualified may perform non-destructive testing on amusement ride components. The Department may require qualifications of personnel or accept previous qualification at their option.
- c) The Board shall direct the Department to require the non-destructive testing of any part, which if failure were to occur, would result in a major breakdown. The Board shall designate the part(s) to be tested, the date by which the initial test certificate shall be submitted to the Department and the frequency at which the test is to be repeated.
- d) The Department shall maintain a listing of all ride components requiring non-destructive testing. Such certificates are required for the following as of June 24, 1988:

RIDE NAME	COMPONENT	FREQUENCY
Round-Up	Main boom rocker shaft Cylinder anchor shaft Spindle	Semi Annually as follows: For Round-Up rides operating in Illinois on or between April 1 and September 30; the NDT must be performed after March 22 and before

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 6000.280 Non-Destructive Testing (Cont'd.)

operation.
Unless at the
time of the NDT
inspection the
Department places
a seal upon the
ride prohibiting
the assembly and
operation until
the Department
removes that
seal. For Round-
Up rides
operating in
Illinois on or
between October 1
and March 31; the
NDT must be
performed after
September 22 and
before operation.

Coasters
by
Arrow-Huss
Welded areas of track
Anti-roll back units
Chain guide wheel spindles
Axle housings
Wheel Carrier weldments
Chassis main vertical spindle
Body support frame
Hitch yoke

Enterprise

Bearing block holders
Car structure parts
of the roof and parts
above, at, and below
pivot pins; and for
cracks in the welds
of these parts and
the welds that attach
these parts.

Fireball

Spindle

Force 10

Car Hanger Shaft

Hustler

Secondary sweep shafts

Octopus

Eccentric
Sweep support rods

Every 2 Years

Annually

Annually

Annually

Annually

Annually

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 6000.280 Non-Destructive Testing (Cont'd.)

Paratrooper	Spindle	Every 2 Years
Sky Wheel	All Axles	Annually
Spider	Eccentric Sweeps Sweep support rods	Annually
Tempest	Secondary sweep shafts	Annually
Yo-Yo	Sweep lift cylinder	Every 5 Years

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 6000.330 Trams

- a) If the tram is used where other vehicular traffic is present, each car must be equipped so as to prevent passengers from getting on or off except at designated stops.
- b) Each tram car shall be equipped with a signal system complying to Section 6000.140.
- c) The driver shall not start the tram until all passengers are seated.
- d) The maximum allowable side to side motion when the tram is in motion shall not exceed six inches.
- e) All hitches must be equipped with safety chains.
 - 1) To keep the tram together.
 - 2) To keep the wagon tongue from hitting the ground.
- f) Any axle extending beyond the face of the wheel shall be covered and/or guarded with a non-rotating shield.
- g) Passengers shall not have to step up or down more than 12 inches to enter or exit the car.
- h) Each loading/unloading area shall be fenced or otherwise guarded.
- i) If tram is operated after dusk, it shall be equipped with head, side and tail lights and loading/unloading area shall be suitably illuminated.

(Source: Added at 14 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Number: Proposed Action:
304.211 Add
- 4) Statutory Authority: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1013 and 1027).

- 5) A Complete Description of the Subjects and Issues Involved:

This matter comes to the Board on a petition for site-specific rulemaking filed March 31, 1986. The original petition was filed by Borden Chemical Company, but the petitioner's name was subsequently changed to Borden Chemicals and Plastics Operating Limited Partnership.

The present petition relates to Borden's Illiopolis, Illinois plant, which produces polyvinyl chloride resins, polyvinyl acetate emulsions, and polyvinyl chloride plastic film. The plant presently employs approximately 300 people.

The wastewater effluent from Borden's plant contains elevated levels of total dissolved solids ("TDS") and chloride. This is largely due to wastewater from the air pollution control equipment which Borden installed to comply with the National Emission Standards for Hazardous Air Pollutants ("NESHAPS") promulgated for vinyl chloride pursuant to Section 301(a) of the Clean Air Act. The plant discharges approximately 800,000 gallons of effluent a day into an unnamed tributary, which drains into Long Point Slough, which flows into the west branch of the Old River. The maximum TDS concentration may be as high as 2500 mg/l; the average is usually below 1200 mg/l. The average chloride concentration is usually less than 700 mg/l. These concentrations do not violate any technology-based effluent limitations, but the discharge may cause water quality violations for TDS and chlorides in the receiving waters.

- 8) The primary regulation affecting this proceeding is 35 Ill. Adm. Code 302.208. That regulation provides that

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

concentrations of TDS in the waters, under consideration here, shall not exceed 1000 mg/l and concentrations of chloride shall not exceed 500 mg/l. The other regulatory provision of concern is 35 Ill. Adm. Code 304.105 which provides that no effluent shall, alone or in combination with other sources, cause a violation of any applicable water quality standard. Data supplied by Borden show violations of both TDS and chloride water quality standards in the unnamed tributary downstream of Borden's discharge or in Long Point Slough downstream of the confluence with the unnamed tributary.

The Board has concluded that it is technically feasible, but not economically reasonable for Borden to comply with the existing standards. Therefore, the Board proposes regulatory language to provide site-specific relief to Borden. Borden, the Agency, and the DENR all generally support adoption of amended regulatory language to provide relief to Borden.

The new language will amend Part 304; Subpart B. It will provide an exclusion from the applicability of the water quality violation provisions of Section 304.105 as it pertains to the TDS and chloride standards of Section 302.208, so long as the alternative standards are met. The appropriate limitations are the never-to-exceed values of 2,500 mg/l for TDS and 800 mg/l for chloride as suggested by Borden and supported by the Agency.

This regulatory proposal is intended to apply from the point of Borden's discharge in the unnamed tributary, downstream to the confluence with the Sangamon River. It is intended to insulate Borden only while the water quality for TDS and chloride in that stretch of water remains below 2,500 mg/l and 800 mg/l respectively. If either one of those values is exceeded, Borden would be subject to enforcement, or additional permit controls.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
If "yes," please specify the date: _____

- 8) Does this proposed amendment contain incorporations by reference? No.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other amendments pending on this Part? Yes.
Section Numbers: Proposed Action: Ill. Reg. Citation:
304.123 Amend 13 Ill. Reg. 9204 6/16/89
304.217 Add 13 Ill. Reg. 9421 6/23/89
304.218 Add 13 Ill. Reg. 9656 6/30/89
304.221 Add 13 Ill. Reg. 17633 11/17/89
304.221 Add 13 Ill. Reg. 20230 12/29/89

- 10) Statement of Statewide Policy Objective (if applicable)?
This regulation only affects Borden Chemicals and Plastics Operating Limited Partnership. The Board believes that local governments are not required by the proposal to establish, expand or modify its activities so as to necessitate additional expenditures.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
Send written comments concerning R86-14 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

- 12) Initial Regulatory Flexibility Analysis (if applicable):
A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: February 14, 1990
B) Types of small businesses affected: The Board believes that this regulation only affects Borden Chemicals and Plastics Operating Limited Partnership. The Board is providing notice to small businesses by publication in the Illinois Register and by submission of the proposed amendment to the Business Assistance Office of the Department of Commerce and Community Affairs (DCCA). Small businesses are encouraged to notify the Board of any impact that may result from the adoption of this proposed amendment.
C) Reporting, bookkeeping or other procedures required for compliance: The reporting, bookkeeping or other procedures have not been changed from the existing requirements.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- D) Types of professional skills necessary for compliance: This regulation requires no change in the type of professional skills necessary for compliance.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 304
EFFLUENT STANDARDS
SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Nitrogen (STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)
Section	
304.201	Wastewater Treatment Plant Discharges of the Metropolitan Sanitary District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.211	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into An Unnamed Tributary of Long Point Slough
304.212	Sanitary District of Decatur Discharges

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

304.213	Union Oil Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges
304.216	Newton Station Suspended Solids Discharges
304.219	North Shore Sanitary District Phosphorus Discharges
304.220	East St. Louis Treatment Facility, Illinois-American Water Company

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section	
304.301	Exception for Ammonia Nitrogen Water Quality Violations
304.302	City of Joliet East Side Wastewater Treatment Plant

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R86-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R86-14 at 14 Ill. Reg. _____, effective _____.

Section 304.211 Discharges from Borden Chemicals and Plastics Operating Limited Partnership into an unnamed tributary of Long Point Slough

a) This section applies to effluent from Borden Chemicals and Plastics Operating Limited Partnership's Illinois Plant which is discharged to an unnamed tributary of Long Point Slough in Sangamon County, Illinois.

b) Such discharges shall not be subject to Section 304.105 as it applies to the water quality standards for total dissolved solids and chloride of Section 302.208 in the unnamed tributary and Long Point Slough to the confluence with the Sangamon River so long as the concentration of total dissolved solids does not exceed 2,500 mg/l and so long as the concentration of chloride does not exceed 800 mg/l in those waters.

(Source: Added at 14 Ill. Reg. _____, effective _____)

- 1) Heading of the Part: HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3) Section Numbers: Proposed Action:
720.111 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987 and 1988 supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027.
- 5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Opinion of January 25, 1990 in R89-11, which Opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1, 1989 through November 30, 1989. In brief, the amendments to Part 720 would list a Federal Register incorporated by reference in Part 730, in order to allow use of an alternative well testing method granted temporary interim approval by USEPA.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 lists the Board's incorporations by reference for the UIC and RCRA programs. The amendments add a new incorporation by reference.

- 9) Are there any other amendments pending on this Part? Yes. In R89-9.

Section Numbers Proposed Action Illinois Register Citation

720.111 Amendment January 5, 1990, 14 Ill. Reg. 72

- 10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 13(c) of the Environmental Protection Act and required by the federal Safe Drinking Water Act (42

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

USC § 300f et seq.) and the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.). The statewide policy objectives are set forth in Section 11 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the operation of a Class I or III underground injection well.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-11 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 29, 1990.

B) Types of small businesses affected:

The existing rules and proposed amendments affect any small businesses which own or operate salt solution mining injection wells.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The overall effect of this amendment and that to Part 730, of which this is a portion, is to allow the temporary use of an alternative testing method to those presently required by the Board's UIC rules. Therefore, the proposed amendment would allow an owner or operator of an affected well to engage in alternative reporting, bookkeeping and other procedures to those already required by the existing rules.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendment begins on the next page.

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

SUBPART B: DEFINITIONS

Section
720.101
720.102
720.103

Purpose, Scope and Applicability
Availability of Information; Confidentiality of Information
Use of Number and Gender

Section 720.111

References

- a) The following publications are incorporated by reference:

Section
720.110
720.111

SUBPART B: DEFINITIONS

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

Section
720.120
720.121
720.122

Rulemaking
Alternative Equivalent Testing Methods
Waste Delisting
Procedures for Solid Waste Determinations
Solid Waste Determinations
Boiler Determinations

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4
API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

Section
720.130
720.131
720.132
720.133
720.140
720.141

Procedures for Determinations
Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
Procedures for case-by-case regulation of hazardous waste Recycling Activities

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December, 1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027).

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 1987, as supplemented by B31.3a 1988 and B31.3b 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 1986, as supplemented by B31.4a 1987. Also available from ANSI.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

"ASTM Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester," ASTM Standard D-3828-87.

"ASTM Standard Test Methods for Flash Point Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code", NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Procedures Manual for Ground Water Monitoring at

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820)

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120291)

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 20, Appendix B (1988)

40 CFR 136 (1988)

40 CFR 142 (1988)

40 CFR 220 (1988)

40 CFR 260.20 (1988)

40 CFR 264 (1988)

40 CFR 302.4, 302.5 and 302.6' (1988)

40 CFR 761 (1988)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

d) Federal Register. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

54 Fed. Reg. 34169, August 18, 1989

de) This Section incorporates no later editions or amendments.

(Source: Amended at 14 Ill. Reg. , effective)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

2) Code Citation: 35 Ill. Adm. Code 730

3) Section Numbers: Proposed Action:

730.108 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Opinion of January 25, 1990 in R89-11, which Opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1, 1989 through November 30, 1989. In brief, the amendments to Part 730 would allow use of an alternative well testing method granted temporary interim approval by USEPA.

6) Will this proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference?

Yes. The amendments add a new incorporation by reference. That reference so incorporated is 54 Fed. Reg. 34169 (August 18, 1989).

9) Are there any other amendments pending on this Part? No..

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 13(c) of the Environmental Protection Act and required by the federal Safe Drinking Water Act (42 USC § 300f et seq.) and the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.). The statewide policy objectives are set forth in Section 11 of that Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

in underground injection of wastes.

- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-11 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 29, 1990.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which own or operate salt solution mining injection wells.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The overall effect of this amendment is to allow the temporary use of an alternative testing method to those presently required by the Board's UIC rules. Therefore, the proposed amendment would allow an owner or operator of an affected well to engage in alternative reporting, bookkeeping and other procedures to those already required by the existing rules.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND STORAGE TANK PROGRAMS

PART 730

UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

SUBPART A: GENERAL

Section	Applicability, Scope and Effective Date
730.101	Laws Authorizing Regulations
730.102	Definitions
730.103	Criteria for Exempted Aquifers
730.104	Classification of Injection Wells
730.105	Area of Review
730.106	Corrective Action
730.107	Mechanical Integrity
730.108	Criteria for Establishing Permitting Priorities
730.109	Plugging and Abandoning Class I and III Wells
730.110	

SUBPART B: CRITERIA AND STANDARDS APPLICABLE TO CLASS I NON-HAZARDOUS WELLS

Section	Applicability
730.111	Construction Requirements
730.112	Operating, Monitoring and Reporting Requirements
730.113	Information to be Considered by Agency
730.114	

SUBPART C: CRITERIA AND STANDARDS APPLICABLE TO CLASS II WELLS

Section	Adoption of Criteria and Standards Applicable to Class II Wells by the Illinois Department of Mines and Minerals
730.121	

SUBPART D: CRITERIA AND STANDARDS APPLICABLE TO CLASS III WELLS

Section	Applicability
730.131	Construction Requirements
730.132	Operating, Monitoring and Reporting Requirements
730.133	Information to be Considered by the Agency
730.134	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: CRITERIA AND STANDARDS APPLICABLE
TO CLASS V INJECTION WELLS

Section
730.151
730.152

Applicability
Inventory and Assessment

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I
HAZARDOUS WELLS

Section
730.161
730.162
730.163
730.164
730.165
730.166
730.167
730.168
730.169
730.170
730.171
730.172
730.173

Applicability and Definitions
Minimum Criteria for Siting
Area of Review
Correction Action for Wells in the Area of Review
Construction Requirements
Logging, Sampling and Testing Prior to New Well Operation
Operating Requirements
Testing and Monitoring Requirements
Reporting Requirements
Information to be Evaluated by the Director
Closure
Post-Closure Care
Financial Responsibility for Post-Closure Care

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987 and 1988 Supp. ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12,479, effective as, noted in 35 Ill. Adm. Code 700.106; amended in R82-19, 53 PCB 131 at 7 Ill. Reg. 14426 effective as noted in 35 Ill. Adm. Code 700.106; recodified at 10 Ill. Reg. 14174; amended in R89-2 at 14 Ill. Reg. , effective ; amended in R89-11 at 14 Ill. Reg.

SUBPART A: GENERAL

Section 730.108

Mechanical Integrity

- a) The applicant or permittee must demonstrate mechanical integrity when required by other sections. An injection well has mechanical integrity if:
 - 1) There is no significant leak in the casing, tubing or packer; and
 - 2) There is no significant fluid movement into an underground source of drinking water through vertical channels adjacent

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

to the injection bore.

- b) One of the following tests may be used to demonstrate the absence of significant leaks under paragraph subsection (a)(1):
 - 1) Monitoring of annulus pressure; or
 - 2) Pressure test with liquid or gas; or
 - 3) Until September 18, 1991, for Class III salt solution mining injection wells, the Water-Brine Interface Test described at 54 Fed. Reg. 34169, August 18, 1989, incorporated by reference at 35 Ill. Adm. Code 720.111.

- c) One of the following methods may be used to determine the absence of significant fluid movement under paragraph subsection (a)(2):
 - 1) The results of a temperature or noise log; or
 - 2) For Class III wells where the nature of the casing precludes the use of the logging techniques prescribed at paragraph subsection (c)(1), cementing records demonstrating the presence of adequate cement to prevent migration; or
 - 3) For Class III wells where the Agency elects to rely on cementing records to demonstrate the absence of significant fluid movement, the monitoring program prescribed by 35 Ill. Adm. Code 730.113(b) shall be designed to verify the absence of significant fluid movement.

- d) The Agency may allow the use of a test to demonstrate mechanical integrity other than those listed in paragraph subsections (b) and (c). To obtain approval, the owner or operator shall submit a written request to the Agency, which shall set forth the proposed test and all technical data supporting its use. The Agency shall approve the request if ~~the~~ test will reliably demonstrate the mechanical integrity of wells for which its use is proposed.

- e) In conducting and evaluating the tests enumerated in this ~~Section~~ or others to be allowed by the Agency, the owner or operator and the Agency shall apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Agency, ~~he~~ it shall include a description of the test and the method used. In making its evaluation, the Agency shall review monitoring and other test data submitted since the previous evaluation.

(Source: Amended at 14 Ill. Reg. , effective)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
140.642 Amendment
140. Table H New Section
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-11 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.1 et seq. and 12-11)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises Department policies concerning screening assessments of persons seeking admission to, and residing in, long term care facilities. Among other things, this rulemaking incorporates new federal requirements intended to reduce inappropriate placement of persons with developmental disabilities and mental illness.

6) Will these Proposed Amendments replace Emergency Amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

8) Do these Proposed Amendments contain incorporations by reference? Yes

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.420	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.421	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.428	Amendment	September 15, 1989 (13 Ill. Reg. 14265)
140.429	Repealed	September 15 1989 (13 Ill. reg. 14265)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.400	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140.435	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140.436	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140.475	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.476	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.477	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.478	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.479	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.480	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.481	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.525	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.526	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.528	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.565	Repealed	November 17, 1989 (13 Ill. Reg. 17667)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.566	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.567	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.568	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140. Table D	Amendment	January 26, 1990 (14 Ill. Reg. 1570)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Daniel C. Leikvoid, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 15, 1990
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 3244.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of Part: Certificates of Title, Registration of Vehicles
 - 2) Code Citation: 92 Ill. Adm. Code 1010
 - 3) Section Number
1010.520 Proposed Action
Amendment
 - 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 3-100 et seq. and 2-104(b))
 - 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the criteria for reducing the amount of a check issued to the Secretary of State to pay a fee or tax if the amount of the check is for a larger amount than required.
 - 6) Will this proposed rule replace an emergency rule currently in effect? No
 - 7) Does this rulemaking contain an automatic repeal date? No
 - 8) Do these proposed amendments contain incorporations by reference? No
 - 9) Are there any other amendments pending on this Part? Yes
- | Section Number | Proposed Action | Illinois Register Citation |
|----------------|-----------------|----------------------------|
| 1010.450 | Amendment | 13 Ill. Reg. 15357 |
| 1010.745 | Repealed | 13 Ill. Reg. 19235 |
| 1010.750 | Repealed | 13 Ill. Reg. 19235 |
| 1010.170 | New Section | 14 Ill. Reg. 1851 |
- 10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Robert B. Powers
Assistant Counsel to the Secretary
Office of the Secretary of State
298 Centennial Building
Springfield, Illinois 62706
217/785-3094

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary has determined that this rulemaking will have no effect on small businesses and this rulemaking has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010

CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section

1010.10 Owner--Application of Term
1010.20 Secretary and Department

SUBPART B: TITLES

Section

1010.110 Salvage Certificate--Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate--Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors

SUBPART C: REGISTRATION

Section

1010.210 Application for Registration
1010.220 Vehicles Subject to Registration - Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished By The Secretary of State
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section

1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

SUBPART E: SPECIAL PERMITS AND PLATES

Section
1010.410 Temporary Registration - Individual Transactions
1010.420 Temporary Permit Pending Registration in Illinois
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

Section
1010.510 Determination of Registration Fees
1010.520 When Fees Returnable
1010.530 Circuit Breaker Registration Discount
1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section
1010.610 Unlawful Acts, Fines and Penalties
1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section
1010.705 Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees
1010.720 Vehicle Apportionment
1010.725 Trip Leasing
1010.730 Intrastate Movements, Foreign Vehicles
1010.735 Interline Movements
1010.740 Trip and Short-term Permits
1010.745 Signal 30 Permit for Foreign Registered Vehicles
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles
1010.755 Mileage Tax Plates

NOTICE OF PROPOSED AMENDMENT(S)

1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760 Transfer for "For-Hire" Loads
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-100 et seq. and 2-104(b)).

SOURCE: Filed and effective December 15, 1970; emergency amendments at 2 Ill. Reg. 25, p. 119, effective June 14, 1978 for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendments at 4 Ill. Reg. 21, p. 99, effective May 14, 1980 for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 1010.520 When Fees Returnable

- a) The Secretary of State may reduce by interlineation the amount of any personal check, or corporate check or company check drawn on the account of and delivered by any person applying for any license, title, or permit which requires payment of a fee or tax.
- b) The amount of such reduction shall be limited to \$15.00 or less and the drawer of the check shall be notified in writing of such

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

reduction. Any check for erroneous amount greater than \$15.00 shall be returned to the drawer applicant.

- c) Any check altered pursuant to above shall be endorsed by the Secretary of State as follows: "This amount of this check is warranted to be \$ _____ subsequent holders and to the drawee to be in the amount of \$ _____."

d) All applications for the above said services upon reprinting shall contain the following authorization statement: "My signature above authorizes the Secretary of State to reduce the amount of my personal check if the amount submitted is not correct. I understand this will be done only if the amount submitted is greater than the required fee hereunder; but in no event shall such reduction be made in the amount greater than \$15.00."

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Procedures
2) Code Citation: 92 Ill. Adm. Code 107
3) Section Numbers: Proposed Action:
107.311 Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 700-4(a) and 700-9(a)

- 5) A complete description of the subjects and issues involved:

The Department is amending Section 107.311 because the use of the phrase "this part" is inappropriate in the text of this Section. The phrase "these regulations" refers to the Hazardous Materials Regulations found in 49 CFR 171 - 173, 177, 178, 179, and 180. The Department's Part 107 does not contain the requirements governing the shipping and handling of hazardous materials. These requirements are established in the federal rules and elsewhere in the Department's rules (92 Ill. Adm. Code Parts 171, 172, 173, 177, 178 and 180). The term "these regulations" is appropriately used in the Department's Parts 171-180. However, the use of the phrase "this part" is improper in Part 107.311. The Department is, therefore, amending Section 107.311.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
7) Does this rulemaking contain an automatic repeal date? No
8) Does this proposed amendment contain incorporations by reference? No.
9) Are there any other amendments pending on this Part? No
10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.
11) Time, place, and Manner in which interested persons may comment on this proposed rulemaking:
Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

Tom Crawford, Chief
Regulations & Training Unit
Department of Transportation
Division of Traffic Safety
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 785-3064

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis: Rule does not affect small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 107
PROCEDURES

SUBPART A: GENERAL PROVISIONS

Section
107.1
107.3
107.5
107.11
107.13

Purpose and Scope
Definitions
Request for Confidential Treatment
Service
Subpoenas

SUBPART B: EXEMPTIONS

Section
107.101
107.102
107.103

Purpose and Scope
Persons Holding Federal Exemptions
Applications for Exemptions for Persons Transporting Hazardous Materials Not Governed by the Federal Hazardous Materials Regulations
Application for Review
Initial Application Review
Processing of Application
Party to an Exemption
Withdrawal
Termination
Appeal
Availability for Public Inspection

SUBPART D: ENFORCEMENT

Section
107.301
107.303
107.305
107.307
107.308
107.309
107.310
107.311
107.313
107.314
107.315

Responsibility for Enforcement
Purpose and Scope
Investigations
Inspection and Examination of Records and Properties
Notice of Apparent Violation
Stopping of Vehicles
Department Review of Notice of Apparent Violation
Warning Letter
Civil Penalties Generally
Maximum Penalties
Commencement of Civil Penalty Proceeding

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Section

107.316 Reply
 107.317 Payment of Penalty
 107.318 Request for Hearing
 107.319 Hearing
 107.320 Presiding Officer's Decision
 107.321 Assessment Considerations
 107.322 Appeal
 107.331 Compliance Orders Generally
 107.333 Notice of Probable Violation
 107.334 Reply
 107.335 Consent Order
 107.336 Hearing
 107.337 Presiding Officer's Decision
 107.338 Compliance Order For Immediate Compliance
 107.339 Appeal
 107.341 Injunctions and Other Equitable Relief
 107.343 Imminent Hazards
 107.371 Criminal Penalties Generally
 107.373 Referral for Prosecution

APPENDIX A Standard Conditions Applicable to Exemptions, Packages, Containers, Shipments

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1987, ch. 95 1-2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 3 Ill. Reg. 49, p. 273, effective December 10, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; codified at 8 Ill. Reg. 17979; amended at 10 Ill. Reg. 5876, effective April 1, 1986; amended at 14 Ill. Reg. 2633, effective February 1, 1990; amended at 14 Ill. Reg. _____, effective _____.

Section 107.311 Warning Letter

- a) When the Department has reason to believe that a person is engaging in conduct which involves a violation of any provision of ~~this--part~~ these regulations, the Director, or his authorized representative, may issue a warning letter which shall:
 - 1) Advise the person of the time, place and circumstances of the apparent violation;
 - 2) Advise the person that a subsequent inspection may be conducted to ascertain whether the violation has been corrected; and

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 3) Warn the person not to repeat the violation in the future.
- b) The warning letter shall be served in the manner prescribed in Section 107.11.

(Source: Amended at 14 Ill. Reg. _____, effective _____.)

ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Agents for Service of Process
- 2) Code Citation: 92 Ill. Adm. Code 1207
- 3) Section numbers: Adopted Action:
1207.20 Amendment
- 4) Statutory Authority: Implementing Section 18c-1801 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1801 and 18c-1202(9)).
- 5) Effective Date of Amendment: February 15, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 7, 1990
- 9) Notice of Proposal Published in Illinois Register:
September 29, 1989, at 13 Ill. Reg. 15150
- 10) Has JCAR issued a Statement of Objections to this amendment? No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: Part 1207 contains the Commission's rules concerning the designation of agents by those entities subject to the Illinois Commercial Transportation Law ("Law"). The proposed amendment deletes reference to the interstate carriers, since these carriers are not subject to the licensing and ratemaking provisions of the Law. Part 1207 is inappropriate to these carriers.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathy Lynch
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-1015

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTTITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLYPART 1207
AGENTS FOR SERVICE OF PROCESS

Section 1207.10 Designating Agents for Service of Process
1207.20 Contents of Designation
1207.30 Application to Rail Carriers
1207.40 Notice of Change

AUTHORITY: Implementing Section 18c-1801 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1801 and 18c-1202(9)).

SOURCE: Adopted at 11 Ill. Reg. 16429, effective October 1, 1987; amended at 12 Ill. Reg. 10453, effective June 1, 1988; amended at 14 Ill. Reg. 3033, effective February 15, 1990.

Section 1207.20 Contents of Designation

A completed Designation of Agent for Service of Process form or letter of designation must set forth:

- a) The full, legal name of the person making the designation;
- b) The mailing address and telephone number of such person;
- c) The name of the chief executive officer (if applicable);
- d) The name and address in Illinois of the persons' agent for service of process;
- e) Identification of the person as either:
 - 1) A motor carrier of property licensed by ~~or registered with~~ the Commission;
 - 2) A motor carrier of passengers licensed by ~~or registered with~~ the Commission;
 - 3) A rail carrier registered with the Commission;

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 4) A common carrier by pipeline registered with the Commission;
 - 5) A broker licensed by the Commission; or
 - 6) A tariff bureau approved by the Commission; and
- f) Any license or registration number assigned by the Commission to the person.

(Source: Amended at 14 Ill. Reg. 3033, effective February 15, 1990)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Cellular Radio Exclusion
- 2) Code Citation: 83 Ill. Adm. Code 760
- 3) Section numbers: Adopted Action:
760.20 Amendment
- 4) Statutory Authority: Implementing Section 13-203 of the Universal Telephone Service Protection Law of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 13-203) and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 10-101).
- 5) Effective Date of Amendment: February 15, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference?
No.
- 8) Date Filed in Agency's Principal Office: February 7, 1990
- 9) Notice of Proposal Published in Illinois Register:
August 25, 1989 at 13 Ill. Reg. 13358
- 10) Has JCAR issued a Statement of Objections to this amendment?
No.
- 11) Difference(s) between proposal and final version: Statutory citation changed in Section 760.20.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
None required.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: This amendment expands the area in this State in which cellular radio service is excluded from active regulatory oversight.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 785-8439

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 760
CELLULAR RADIO EXCLUSION

Section
760.10 Chicago Metropolitan Area Exclusion
760.20 Downstate Area Exclusions

AUTHORITY: Implementing Section 13-203 of the Universal Telephone Service Protection Law of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 13-203) and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 10-101).

SOURCE: Adopted at 11 Ill. Reg. 11730, effective July 1, 1987; amended at 14 Ill. Reg. 3037, effective February 15, 1990.

Section 760.20 Downstate Area Exclusions

Cellular radio service provided by facilities in Champaign, Grundy, Kankakee, Kendall, Macon, McLean, Menard and Sangamon Counties is excluded from the applicable tariff provisions contained in Sections 13-501, 13-502, 13-503, 13-504, 13-505, 13-506, and 13-509 of the Universal Telephone Service Protection Law of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 13-501, 13-502, 13-503, 13-504, 13-505, 13-506, and 13-509).

(Source: Added at 14 Ill. Reg. 3037, effective February 15, 1990)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Minimum Rate
- 2) Code Citation: 92 Ill. Adm. Code 1300
- 3) Section numbers: Adopted Action:
1300.10 Repealed
1300.20 Repealed
1300.30 Repealed
1300.40 Repealed
1300.50 Repealed
1300.60 Repealed
- 4) Statutory Authority: Implementing Section 18c-3203 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-3203 and 18c-1202).
- 5) Effective Date of Repealer: February 15, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this repealer contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 7, 1990
- 9) Notice of Proposal Published in Illinois Register:
September 15, 1989, at 13 Ill. Reg. 14147
- 10) Has JCAR issued a Statement of Objections to this amendment?
No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
None required.
- 13) Will this repealer replace an emergency repealer currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Repealer: Part 1300 requires Illinois common carriers to obtain approval from the Commission prior to establishing commodity rates subject to minimum weights of less than 5000 pounds or to establish exceptions to classification ratings. Obtaining prior authorization makes it difficult for Illinois common carriers to promptly respond to their competitors, which are frequently interstate carriers having no such restrictions placed on less-than-load rates. Repeal is appropriate.

- 16) Information and questions regarding this adopted repealer shall be directed to:

Kathy Lynch
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-1015

- 1) The Heading of the Part: Telecommunications Access for the Deaf
- 2) Code Citation: 83 Ill. Adm. Code 755
- 3) Section numbers: Adopted Action:
755.10 Amendment
755.210 Amendment
- 4) Statutory Authority: Implementing Section 13-703 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 13-703 and 10-101).
- 5) Effective Date of Amendment: February 15, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 7, 1990
- 9) Notice of Proposal Published in Illinois Register:
September 29, 1989, at 13 Ill. Reg. 15157
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required.
- 13) Will these amendments replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: These amendments are designed to bring the rules into accord with the statute by limiting TDD distribution to those organizations that are statewide.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS
TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 755
TELECOMMUNICATIONS ACCESS FOR THE DEAF

SUBPART A: GENERAL PROVISIONS

Section	Definitions
755.10	Dispute Procedures
755.15	Notice
755.20	Deviations
755.25	

SUBPART B: LEC OBLIGATIONS

Section	Components of ITAP Services
755.100	Execution and Administration of ITAP
755.105	Publicity Concerning ITAP
755.110	Application Procedure and Processing
755.115	Equipment Set Specifications - TDD
755.120	Equipment Set Specifications - Telebraille
755.125	Bids
755.130	ITAP Filing Requirements
755.135	Renewal of Agreements
755.145	

SUBPART C: ELIGIBILITY AND PARTICIPATION

Section	Deaf or Severely Hearing-Impaired Certification
755.200	Eligibility and Application for Subscriber-Units
755.205	Which are Residential
755.210	Eligibility and Application for Subscriber-Units
	Which are Statewide Organizations
755.220	Time Period for Possession
755.225	Shared Residence
755.230	Change of Address

SUBPART D: POSSESSION AND MAINTENANCE

Section	Equipment Ownership and Liability
755.300	Recipient Responsibility
755.305	Responsibility for Maintenance
755.310	

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

SUBPART E: OVERSIGHT AND REVIEW

Section

755.400 Staff Liaison
755.405 Advisory Council
755.410 Advisory Council Rights
755.415 Biannual Workshop

AUTHORITY: Implementing Section 13-703 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 13-703 and 10-101).

SOURCE: Adopted at 12 Ill. Reg. 3687, effective February 1, 1988; amended at 14 Ill. Reg. 3042, effective February 15, 1990.

SUBPART A: GENERAL PROVISIONS

Section 755.10 Definitions

"Act" means The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 1-101 et seq.).

"Commission" means the Illinois Commerce Commission.

"Deaf-blind" refers to a deaf or severely hearing-impaired person who is also sight-impaired and who can regularly and routinely communicate by telephone only through the aid of a telebraille device.

"Deaf or severely hearing-impaired" refers to a person with a permanent hearing loss who can regularly and routinely communicate by telephone only through the aid of devices which can send and receive written messages over the telephone network.

"Equipment set" means the Telecommunications Device for the Deaf ("TDD"), all of its components and support equipment (except paper rolls) provided to a subscriber-unit under this program; or a telebraille device, all of its components and support equipment provided to a subscriber-unit under this program.

"ITAP" or "Program" means the Illinois Telecommunications Access for the Deaf and Severely Hearing-Impaired Program, by which Illinois local exchange carriers shall provide telecommunications devices capable of servicing the needs of the deaf or severely

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

hearing-impaired subscribers as required by Section 13-703 of the Act (Ill. Rev. Stat. 1985, ch. 111 2/3, par. 13-703).

"LEC" means local exchange carrier, which is a telecommunications carrier providing local service as defined in Section 13-204 of the Act (Ill. Rev. Stat. 1985, ch. 111 2/3, par. 13-204).

"Organizations" or "statewide organizations" means those Illinois-based not for profit organizations not owned or operated by any political subdivision, public institution of higher learning, state agency, or municipal corporation of this State which represent the deaf or severely hearing-impaired and which are not limited to a particular geographical area within the state and which are available to the deaf and severely hearing-impaired throughout the State.

"Recipient" is the user or the parent or legal guardian of a minor user.

"Social service agencies" means the Illinois Department of Rehabilitation Services, Department on Aging, Department of Public Aid, Department of Public Health, Department of Children and Family Services, the State Board of Education, and the University of Illinois Division of Services for Crippled Children.

"Staff" means individuals employed by the Illinois Commerce Commission.

"Subscriber-unit" is a single address which receives basic telephone service and is subject to a monthly service charge for each access line.

"TDD" means "Telecommunications Device for the Deaf," a device which allows deaf or severely hearing-impaired persons to send and receive written messages over the telephone network.

"Telebraille device" is a TDD which employs braille language symbols.

"User" means a deaf or severely hearing-impaired person or deaf-blind person within a subscriber-unit for whose

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

use the equipment set is provided. There may be multiple users per subscriber-unit.

(Source: Amended at 14 Ill. Reg. 3042 , effective February 15, 1990)

Section 755.210 Eligibility and Application for Subscriber-Units Which are Statewide Organizations

- a) Statewide organizations having more than one office shall designate one office to receive the equipment set.
- b) Recipient status shall be granted to the organization. The president, executive director, or other official of the organization shall sign the appropriate application forms on behalf of the organization.
- c) The organization shall assume all responsibilities and liabilities for the equipment set prescribed for recipients by this Part.
- d) The organization shall file a verified Petition for Eligibility with the Commission containing the following:

- 1) Address and telephone number of the organization's headquarters to which the equipment set will be assigned;
- 2) Statement that the organization it is a not-for-profit organization as defined in Section 755.10, the purpose of which includes, as evidenced by its articles of incorporation, by-laws, or charter, serving the needs of or representing the interests of the deaf or severely hearing-impaired;
- 3) Full names, addresses, and telephone numbers of officers who can act for the organization.
- 4) Articles of incorporation (if applicable), by-laws, charter, or any other documenting evidence supporting the statement required by subsection (d)(2);

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 5) Most recent annual report (if applicable) ~~and~~.
- 6) ~~Any other documentation of the group's existence, residence, and activities (optional).~~
- e) The organization will receive its designation upon the filing of a completed Petition.

(Source: Amended at 14 Ill. Reg. 3042 , effective February 15, 1990)

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Access to Legislative Information System Information
- 2) Code Citation: 2 Ill. Adm. Code 150
- 3) Section number: Adopted Action:
150.220 Amend
150.APPENDIX A Amend
- 4) Statutory Authority: An Act in relation to the Legislative Information System (Ill. Rev. Stat. 1987, ch. 63, par. 42.16).
- 5) Effective Date of Amendments: February 14, 1990.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 14, 1990
- 9) Notices of Proposal Published in Illinois Register: Because this is internal rulemaking, no notice of proposed rulemaking appeared in the Illinois Register.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Differences between proposal and final version: N/A
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: Through the approval from the Joint Committee on Legislative Support Services who have the general responsibility for establishing policy and coordinating activities and responsibilities among the Legislative Support Services Agencies and with the approval of both the Legislative Information System and Joint Committee On Administrative Rules twelve member boards, responsibilities as outlined in Section 150.220(k) were transferred from the Legislative Information System's Administrative Code Section to the Joint Committee On Administrative Rules.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: John T. Hatcher
Address: Legislative Information System
705 Stratton Office Building
Springfield, IL 62706
Telephone: (217) 782-3944

The full text of the Adopted Amendments begins on the next page:

LEGISLATIVE INFORMATION SYSTEM

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE A: LEGISLATIVE AGENCIES
CHAPTER V: LEGISLATIVE INFORMATION SYSTEM

PART 150

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
150.10 Access to Legislative Information System Information

SUBPART B: PROCEDURES FOR ENACTMENT OF RULES

Section
150.105 Introduction
150.110 Initiation
150.120 Enactment
150.130 Application
150.140 Emergency Rules

SUBPART C: LEGISLATIVE INFORMATION SYSTEM ORGANIZATION

Section
150.205 Introduction
150.210 Organization Chart
150.220 Description of Agency Organization

APPENDIX A Organization Chart

AUTHORITY: Implementing Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1004.01) and authorized by Section 6 of "AN ACT in relation to a Legislative Information System" (Ill. Rev. Stat. 1987, ch. 63, par. 42.16).

SOURCE: Organization rules adopted at 2 Ill. Reg. 38, p. 60, effective September 22, 1978; amended at 3 Ill. Reg. 40, p. 136, effective October 5, 1979; amended at 5 Ill. Reg. 3457, effective March 20, 1981; Rulemaking rules adopted at 2 Ill. Reg. 38, p. 71, effective September 22, 1978; Rules repealed, new rules adopted and codified at 7 Ill. Reg. 16918, effective December 29, 1983; amended at 14 Ill. Reg. 3049, effective Feb. 14, 1990.

SUBPART C: LEGISLATIVE INFORMATION SYSTEM ORGANIZATION

Section 150.220 Description of Agency Organization

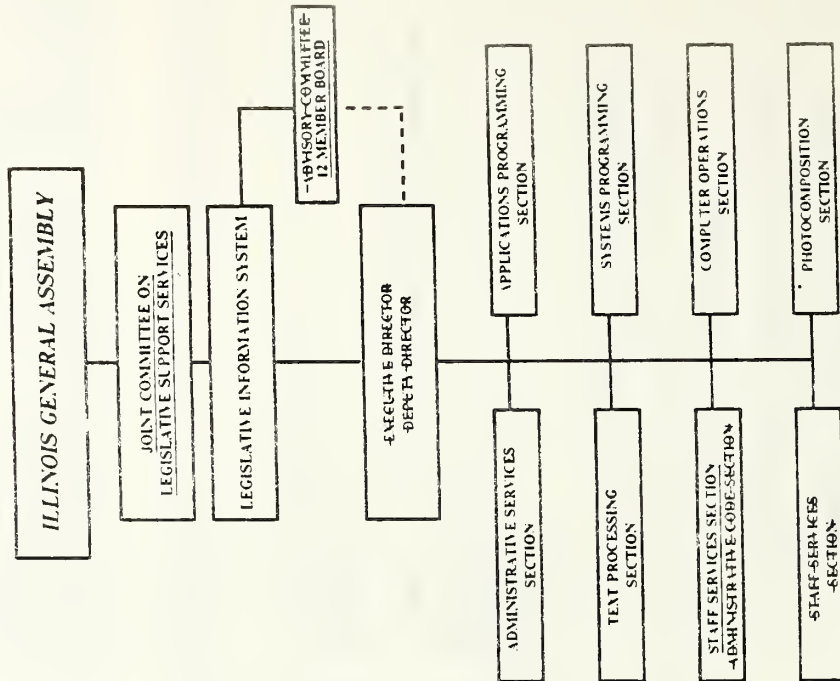
- a) Legislative Information System: The "System" was created by Public Act 80-683 (Ill. Rev. Stat. 1987, ch. 63, pars. 42.11 et seq.) which

provides for the appointment of the System membership and the terms of office. The main responsibility of the System is the establishment of policy and procedures and approval of projects undertaken by the System.

- b) Advisory Committee: The Advisory Committee was created by Public Act 80-683 (Ill. Rev. Stat. 1987, ch. 63, pars. 42.11 et seq.) for the purpose of making recommendations for conceptualization, design and implementation of applications considered or adopted by the System.
- c) Executive Director and Deputy Director: The Executive Director and Deputy Director are responsible for implementing the policies and procedures established by the System, implementing projects approved by the System and supervising the daily operations of the agency.
- d) Systems Programming -- This section is responsible for maintaining the computer operating systems and the preparation of evaluations regarding the impact on the system of present and proposed applications.
- e) Applications Programming -- This section is responsible for maintaining the current application programs, developing new applications and evaluating proposed applications.
- f) Administrative Services -- This section is responsible for the maintenance of all personnel, equipment and financial records, the processing of all personnel actions, vouchers, obligations, requisitions, etc., providing secretarial and clerical services, and receptionist services.
- g) Staff Services -- This section is responsible for the interface between LIS and the end user, for the evaluation of proposed application program modifications, for the training of users on the various applications and for providing assistance to users as required.
- h) Photocomposition Services -- This section is responsible for the scheduling, development and implementation of photocomposition applications and the production of camera-ready copy for delivery to the printer.
- i) Computer Operations -- This section is responsible for the physical operations of the computer facility, and for the scheduling, reproduction and distribution of reports requested by users.
- j) Text Processing -- This section is responsible for the interface between LIS and users of the text processing system, the training of users, monitoring quality control and providing programming assistance.
- k) Administrative--Code--Section--This--section--is--responsible--for maintaining the Administrative-Code-Data-Base; preparing amendments to the existing code and the initial entry of new or amended parts;

(Source: Amended at 14 Ill. Reg. 3049, effective Feb. 14, 1990)

Section 150.APPENDIX A Organization Chart



(Source: Amended at 14 Ill. Reg. 3049, effective Feb. 14, 1990)

DEPARTMENT OF MINES AND MINERALS

NOTICE OF RECODIFICATION

- 1) Heading of Part: An Act in Relation to Oil, Gas and Other Surface and Underground Resources
- 2) Code Citation: 62 Ill. Adm. Code 240
- 3) Date of Administrative Code Division Review: February 20, 1990
- 4) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers</u>	<u>Headings</u>
------------------------	-----------------

SUBPART B: PERMITS AND PROCEDURES FOR UNDERGROUND
INJECTION CONTROL

240.210	General Provisions
240.220	Application for Permit to Drill, Deepen or Convert Well
240.230	Application for Permit for Geological or Structural Test Hole
240.240	Permits for Salt Water Disposal or for Gas, Air, Water, or other Liquid Input Wells
240.250	Permit Requirements in Mine Areas
240.260	Application for Approval of Enhanced Recovery Projects
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations
240.280	Operating Requirements for Enhanced Recovery Injection and Disposal Wells
240.290	Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells
240.295	Duration of Underground Injection Well Orders

SUBPART C: BONDS

240.310	When Bonds Required--Amount
240.320	Kind of Bond--Execution
240.330	Bond of Manager
240.340	Bond Form--Approval
240.350	Surety May Cancel Bond
240.360	Mining Board May Cancel Bond
240.370	Casing Puller's Bond

SUBPART E: FILING OF LOGS AND WELL INFORMATION

DEPARTMENT OF MINES AND MINERALS

NOTICE OF RECODIFICATION

240.510	Return of Completion Card
240.520	Well Log to be Filed
240.530	Contents of Well Log
240.540	Collection of Drill Cuttings

SUBPART F: IDENTIFICATION OF LEASES AND TRANSFER OF MANAGEMENT

240.610	Lease and Well Identification
240.620	Transfer of Management

SUBPART G: WASTE PROHIBITED

240.710	Avoidable Waste of Gas
240.720	Escape of Unburned Gas Prohibited
240.730	Burn Off Pits
240.740	Lease Tank Reservoirs
240.750	Fire Hazards at Well Locations

SUBPART I: AVOIDANCE OF FRESH WATER POLLUTION AND
DISPOSAL OF SALT WATER OR OTHER LIQUIDS TO
PREVENT WASTE AS DEFINED IN THE ACT

240.905	Introduction
240.910	Disposal in Underground Stratum
240.920	Disposal in Earthen Pits
240.930	Pipes to be Kept in Repair
240.940	Slush and Mud Pits
240.950	Rotary Drilling Procedure
240.960	Cable Tool Drilling Rules
240.970	Mining Board Supervision
240.980	Yearly Inspection--of Pits--Revocation of Permits--Orders for Corrective Action and Other Disposal

5) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers</u>	<u>Headings</u>
SUBPART B: APPLICATION PROCEDURES AND PERMIT REQUIREMENTS	
240.210	General Provisions
240.220	Application for Permit to Drill, Deepen or Convert Well
240.230	Application for Permit for Geological or Structural Test Hole
240.240	Permits for Salt Water Disposal or

DEPARTMENT OF MINES AND MINERALS

DEPARTMENT OF MINES AND MINERALS

NOTICE OF RECODIFICATION

NOTICE OF RECODIFICATION

240.250 for Gas, Air, Water, or other Liquid
240.260 Input Wells
240.270 Permit Requirements in Mine Areas
240.280 Application for Approval of Enhanced
Recovery Projects
Application for Approval of Enhanced
Recovery Injection and Disposal
Operations
Duration of Underground Injection
Well Orders

240.940 Burn Off Pits
240.950 Lease Tank Reservoirs
240.960 Fire Hazards at Well Locations
240.970 Mining Board Supervision
240.980 Yearly Inspection--of
Pits--Revocation of Permits--Orders
for Corrective Action and Other
Disposal
240.990 Lease and Well Identification

SUBPART C: TRANSFER OF OWNERSHIP AND BONDING

240.305 Transfer of Management
240.310 When Bonds Required--Amount
240.320 Kind of Bond--Execution
240.330 Bond of Manager
240.340 Bond Form--Approval
240.350 Surety May Cancel Bond
240.360 Mining Board May Cancel Bond
240.370 Casing Puller's Bond

SUBPART E: DRILLING AND CASING PROCEDURES

240.510 Rotary Drilling Procedures
240.520 Cable Tool Drilling Rules
240.530 Slush and Mud Pits

SUBPART F: PRODUCTION AND INJECTION WELL OPERATING REQUIREMENTS

240.610 Return of Completion Card
240.620 Well Log to be Filed
240.630 Contents of Well Log
240.640 Collection of Drill Cuttings
240.650 Operating Requirements for Enhanced
Recovery Injection and Disposal
Wells

240.660 Monitoring and Reporting
Requirements for Enhanced Recovery
Injection and Disposal Wells

SUBPART I: GENERAL LEASE OPERATING REQUIREMENTS AND
AVOIDANCE OF SURFACE POLLUTION

240.905 Introduction
240.910 Disposal in Underground Stratum
240.920 Disposal in Earthen Pits
240.930 Pipes to be Kept in Repair

6) Conversion Table of Present and Recodified Parts:

Present Part (Section Numbers)	Recodified Part (Section Numbers)
240.10	240.10
240.20	240.20
240.30	240.30
240.40	240.40
240.50	240.50
240.60	240.60
240.70	240.70
240.80	240.80
240.90	240.90
240.100	240.100
240.110	240.110
240.120	240.120
240.130	240.130
240.140	240.140
240.150	240.150
240.160	240.160
240.170	240.170
240.180	240.180
240.190	240.190
240.195	240.195
240.210	240.210
240.220	240.220
240.230	240.230
240.240	240.240
240.250	240.250
240.260	240.260
240.270	240.270
240.280	240.280
240.290	240.290
240.295	240.295
240.310	240.310
240.320	240.320

DEPARTMENT OF MINES AND MINERALS

NOTICE OF RECODIFICATION

240.330	240.330
240.340	240.340
240.350	240.350
240.360	240.360
240.370	240.370
240.410	240.410
240.420	240.420
240.430	240.430
240.510	240.610
240.520	240.620
240.530	240.630
240.540	240.640
240.610	240.990
240.620	240.305
240.710	240.710
240.720	240.720
240.730	240.940
240.740	240.950
240.750	240.960
240.805	240.805
240.810	240.810
240.820	240.820
240.830	240.830
240.840	240.840
240.850	240.850
240.860	240.860
240.905	240.905
240.910	240.910
240.920	240.920
240.930	240.930
240.940	240.530
240.950	240.510
240.960	240.520
240.970	240.970
240.980	240.980
240.1005	240.1005
240.1010	240.1010
240.1020	240.1020
240.1030	240.1030
240.1105	240.1105

DEPARTMENT OF MINES AND MINERALS

NOTICE OF RECODIFICATION

240.1110	240.1110
240.1120	240.1120
240.1130	240.1130
240.1140	240.1140
240.1150	240.1150
240.1160	240.1160
240.1170	240.1170
240.1180	240.1180
240.1190	240.1190
240.1200	240.1200
240.1310	240.1310
240.1320	240.1320
240.1330	240.1330
240.1340	240.1340
240.1350	240.1350
240.1360	240.1360
240.1370	240.1370
240.1380	240.1380
240.1385	240.1385
240.1390	240.1390
240.1395	240.1395

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

1) Heading of the Part: HAZARDOUS WASTE INJECTION RESTRICTIONS

2) Code Citation: 35 Ill. Adm. Code 738

3) Section Numbers: Adopted Action:

- 738.101 New Section
- 738.102 New Section
- 738.103 New Section
- 738.104 New Section
- 738.105 New Section
- 738.110 New Section
- 738.111 New Section
- 738.112 New Section
- 738.114 New Section
- 738.120 New Section
- 738.121 New Section
- 738.122 New Section
- 738.123 New Section
- 738.124 New Section

4) Statutory Authority: Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027.

5) Effective Date of Adopted Rules: February 20, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this adopted rule contain incorporations by reference? No.

8) Date filed in Board's Principal Office: Order adopted January 25, 1990.

9) Notice of Proposal Published in Illinois Register:

November 27, 1989, 13 Ill. Reg. 18110

10) Has JCAR issued a Statement of Objections to these rules? No.

Section 13(c) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, the Board has revised the text of the adopted rules in response to public comments submitted by JCAR.

11) Differences between proposal and final version:

Minor editorial differences. The Board made minor corrections in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

response to public comments. These revisions are described in detail in the Board's Opinion of January 25, 1990 in Docket R89-2. These revisions include a new definition, new subsection headings, and several minor edits to comport with the Illinois Code format.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, the Board has revised the text of the adopted rules in response to public comments submitted by JCAR.

13) Will this rule replace an emergency rule currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of the adopted rule:

A complete description is contained in the Board's Opinion of January 25, 1990 in R89-2, which Opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1, 1988 through December 31, 1988. In brief, the adopted rules include restrictions and prohibitions on the underground injection of enumerated hazardous wastes and procedures for exceptions from the general prohibitions.

16) Information and questions regarding this adopted rules shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the Adopted Rules begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND
STORAGE TANK PROGRAMS

PART 738
HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

Section
738.101 Purpose Scope and Applicability
738.102 Definitions
738.103 Dilution Prohibited as a Substitute for Treatment
738.104 Case-by-Case Extensions of an Effective Date
738.105 Waste Analysis

SUBPART B: PROHIBITIONS ON INJECTION

Section
738.110 Waste Specific Prohibitions - Solvent Wastes
738.111 Waste Specific Prohibitions - Dioxin-Containing Wastes
738.112 Waste Specific Prohibitions - California List Wastes
738.114 Waste Specific Prohibitions - First Third Wastes

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section
738.120 Petitions to Allow Injection of a Prohibited Waste
738.121 Required Information to Support Petitions
738.122 Submission, Review and Approval or Denial of Petitions
738.123 Review of Adjusted Standards
738.124 Termination of Adjusted Standards

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective Feb. 20, 1990.

SUBPART A: GENERAL

Section 738.101 Purpose Scope and Applicability

- a) This Part identifies hazardous wastes that are restricted from disposal into Class I hazardous waste injection wells and defines those circumstances under which a waste, otherwise prohibited from

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- injection, may be injected.
b) The requirements of this Part apply to owners or operators of Class I hazardous waste injection wells used to inject hazardous waste.

- c) Wastes otherwise prohibited from injection may continue to be injected:

- 1) If an extension from the effective date of a prohibition has been granted pursuant to Section 738.104; or
- 2) If an adjusted standard has been granted in response to a petition filed under Section 738.120; or
- 3) If the waste is generated by a conditionally exempt small quantity generator, as defined in 35 Ill. Adm. Code 721.105.

BOARD NOTE: Derived from 40 CFR 148.1 (1988), as amended at 53 Fed. Reg. 28154, July 26, 1988.

Section 738.102 Definitions

"EPA Hazardous Waste Number" means the number assigned by EPA pursuant to each hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"Injection interval" means that part of the injection zone in which the well is screened, or in which the waste is otherwise directly emplaced.

"Transmissive fault or fracture" is a fault or fracture that has sufficient permeability and vertical extent to allow fluids to move between formations.

BOARD NOTE: Derived from 40 CFR 148.2 (1988), as added at 53 Fed. Reg. 28155, July 26, 1988.

Section 738.103 Dilution Prohibited as a Substitute for Treatment

The prohibition of 35 Ill. Adm. Code 728.103 shall apply to owners or operators of Class I hazardous waste injection wells.

BOARD NOTE: Derived from 40 CFR 148.3 (1988), as added at 53 Fed. Reg. 28155, July 26, 1988.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 738.104 Case-by-Case Extensions of an Effective Date

The owner or operator of a Class I hazardous waste injection well may submit an application to EPA for an extension of the effective date of any applicable prohibition established under Subpart B. (See 35 Ill. Adm. Code 728.105.)

BOARD NOTE: Derived from 40 CFR 148.4 (1988), as added at 53 Fed. Reg. 28155, July 26, 1988.

Section 738.105 Waste Analysis

Generators of hazardous wastes that are disposed of into Class I injection wells must comply with the applicable requirements of 35 Ill. Adm. Code 728.107(a) and (b). Owners or operators of Class I hazardous waste injection wells must comply with the applicable requirements of 35 Ill. Adm. Code 728.107(c).

BOARD NOTE: Derived from 40 CFR 148.5 (1988), as added at 53 Fed. Reg. 28155, July 26, 1988.

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.110 Waste Specific Prohibitions - Solvent Wastes

- a) The spent solvent wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste numbers F001, F002, F003, F004 and F005 are prohibited from underground injection unless the solvent waste is a solvent-water mixture or solvent-containing sludge containing less than 1 percent total of the following F001 through F005 solvent constituents:

Acetone
n-Butyl alcohol
Carbon disulfide
Carbon tetrachloride
Chlorobenzene
Cresols and cresylic acid
Cyclohexanone
1,2-Dichlorobenzene
Ethyl acetate
Ethyl benzene
Ethyl ether
Isobutanol
Methanol
Methylene chloride
Methylene chloride (from the pharmaceutical industry)
Methyl ethyl ketone
Methyl isobutyl ketone

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Nitrobenzene
Pyridine
Tetrachloroethylene
Toluene
1,1,1-Trichloroethane
1,1,2-Trichloro-1,2,2-trifluoroethane
Trichloroethylene
Trichlorofluoromethane
Xylene

- b) Effective August 8, 1990, all spent F001 through F005 solvent wastes containing less than 1 percent total F001 through F005 solvent constituents listed in subsection (a) are prohibited from injection.

- c) The requirements of subsections (a) or (b) do not apply:

- 1) If the wastes meet or are treated to meet the standards of 35 Ill. Adm. Code 728.141; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or
- 3) During the period of extension of the applicable effective date, if an extension has been granted under Section 738.104; or
- 4) During the period the waste has been granted an adjusted treatment standard under 35 Ill. Adm. Code 728.144.

BOARD NOTE: Derived from 40 CFR 148.10 (1988), as added at 53 Fed. Reg. 28155, July 26, 1988.

Section 738.111 Waste Specific Prohibitions - Dioxin-Containing Wastes

- a) The dioxin-containing wastes specified in 35 Ill. Adm. Code 721.131 as EPA Hazardous Waste numbers F020, F021, F022, F023, F026, F027 and F028 are prohibited from underground injection.

- b) The requirements of subsection (a) do not apply:

- 1) If the wastes meet or are treated to meet the standards of 35 Ill. Adm. Code 728.141; or
- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 3) During the period of extension of the applicable effective date, if an extension has been granted under Section 738.104; or.

- 4) During the period the waste has been granted an adjusted treatment standard under 35 Ill. Adm. Code 728.144.

BOARD NOTE: Derived from 40 CFR 148.11 (1988), as added at 53 Fed. Reg. 28155, July 26, 1988.

Section 738.112 Waste Specific Prohibitions - California List
Wastes

- a) The hazardous wastes listed in 35 Ill. Adm. Code 728.132 containing polychlorinated biphenyls at concentrations greater than or equal to 50 ppm or halogenated organic compounds at concentrations greater than or equal to 10,000 mg/kg are prohibited from underground injection.

- b) Effective August 8, 1990, the following hazardous wastes are prohibited from underground injection:

- 1) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1000 mg/l;

- 2) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing the following metals (or elements) or compounds of these metals (or elements) at concentrations greater than or equal to those specified below:

- A) Arsenic or compounds (as As) 500 mg/l;
- B) Cadmium or compounds (as Cd) 100 mg/l;
- C) Chromium (VI) or compounds (as Cr VI) 500 mg/l;
- D) Lead or compounds (as Pb) 500 mg/l;
- E) Mercury or compounds (as Hg) 20 mg/l;
- F) Nickel or compounds (as Ni) 134 mg/l;
- G) Selenium or compounds (as Se) 100 mg/l; and
- H) Thallium or compounds (as Tl) 130 mg/l;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 3) Liquid hazardous waste having a pH less than or equal to two (2.0); and

- 4) Hazardous wastes containing halogenated organic compounds in total concentration less than 10,000 mg/kg but greater than or equal to 1000 mg/kg.

- c) The requirements of subsections (a) and (b) do not apply:

- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728.Subpart D; or

- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or

- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.12 (1988), as added at 53 Fed. Reg. 30918, August 16, 1988, and amended at 53 Fed. Reg. 41602, October 24, 1988.

Section 738.114 Waste Specific Prohibitions - First Third
Wastes

- a) Effective August 8, 1990, the wastes specified in 35 Ill. Adm. Code 721.132 as EPA Hazardous Waste numbers K049, K050, K051, K052, K062, K071 and K104 are prohibited from underground injection.

- b) The requirements of subsection (a) do not apply:

- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728.Subpart D; or

- 2) If an adjusted standard has been granted in response to a petition under Subpart C; or

- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.14 (1988), as added at 53 Fed. Reg. 30918, August 16, 1988.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section 730.120 Petitions to Allow Injection of a Prohibited Waste

- a) Any person seeking an exemption from a prohibition under Subpart B for the injection of a restricted hazardous waste into an injection well or wells shall submit a petition for an adjusted standard to the Board, pursuant to 35 Ill. Adm. Code 106. Subpart G, demonstrating that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This demonstration requires a showing that:

- 1) The hydrogeological and geochemical conditions at the site(s) and the physiochemical nature of the waste stream(s) are such that reliable predictions can be made that:

- A) Fluid movement conditions are such that the injected fluids will not migrate within 10,000 years:
- i) Vertically upward out of the injection zone; or
 - ii) Laterally within the injection zone to a point of discharge or interface with an Underground Source of Drinking Water (USDW) as defined in 35 Ill. Adm. Code 730; or

- B) Before the injected fluids migrate out of the injection zone or to a point of discharge or interface with USDW, the fluid will no longer be hazardous because of attenuation, transformation, or immobilization of hazardous constituents within the injection zone by hydrolysis, chemical interactions or other means; and

- 2) For each well the petition has:

- A) Demonstrated that the injection well's area of review complies with the substantive requirements of 35 Ill. Adm. Code 730.163;

- B) Located, identified, and ascertained the condition of all wells within the injection well's area of review (as specified in 35 Ill. Adm. Code 730.163) that penetrate the injection zone or the confining zone by use of a protocol acceptable to the Board that meets the substantive requirements of 35 Ill. Adm. Code 730.164;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- C) Submitted a corrective action plan that meets the substantive requirements of 35 Ill. Adm. Code 730.164, the implementation of which shall become a condition of any adjusted standard granted; and
- D) Submitted the results of pressure and radioactive tracer tests performed within one year prior to submission of the petition demonstrating the mechanical integrity of the well's long string casing, injection tube, annular seal, and bottom hole cement. In cases where the petition has not been approved or denied within one year after the initial demonstration of mechanical integrity, the Board may require the owner or operator to perform the tests again and submit the results of the new tests.

BOARD NOTE: The requirements of subsection (a)(2) need not be incorporated in a permit at the time the Board grants an adjusted standard.

- b) A demonstration under subsection (a)(1)(A) must identify the strata within the injection zone which will confine fluid movement above the injection interval and include a showing that this strata is free of known transmissive faults of fractures and that there is a confining zone above the injection zone.
- c) A demonstration under subsection (a)(1)(B) must identify the strata within the injection zone where waste transformation will be accomplished and include a showing that this strata is free of known transmissive faults or fractures and that there is a confining zone above the injection zone.
- d) A demonstration may include a showing that:
- 1) Treatment methods that reduce the toxicity or mobility of the wastes, the implementation of which will become a condition of any adjusted standard, must be utilized; or
 - 2) A monitoring plan, the implementation of which will become a condition of any adjusted standard, must be utilized to enhance confidence in one or more aspects of the demonstration.
- e) Any person who has been granted an adjusted standard pursuant to this Section may submit a petition for reissuance of the adjusted standard to include an additional restricted waste or wastes or to modify any conditions placed on that adjusted standard by the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Board. The Board will reissue the adjusted standard if the petitioner complies with subsections (a), (b) and (c).

- f) Any person who has been granted an adjusted standard pursuant to this Section may submit a petition to modify that adjusted standard to include an additional (hazardous) waste or wastes. The Board may grant the modification if it determines, to a reasonable degree of certainty, that the additional waste or wastes will behave hydraulically and chemically in a manner similar to previously included wastes and that it will not interfere with the containment capability of the injection zone.

BOARD NOTE: Derived from 40 CFR 148.20 (1988), as added at 53 Fed. Reg. 28155, July 26, 1988.

Section 738.121 Required Information to Support Petitions

- a) Information submitted in support of a Section 738.120 petition must meet the following criteria:

- 1) All data from waste analyses and any new testing performed by the petitioner must be approved by the Board and must provide data that are accurate, reproducible, and performed in accordance with quality assurance standards;

- 2) Estimation and monitoring techniques and identification of applicable existing EPA-certified test protocols:

- A) All estimation and monitoring techniques must be approved by the Board; and

- B) The petition must identify all applicable USEPA-certified test protocols in existence at the time the estimation and monitoring was performed;

- 3) Predictive models must have been verified and validated, must be appropriate for the specific site, wastestreams, and injection conditions of the operation, and must be calibrated for existing sites where sufficient data are available;

- 4) A quality assurance and quality control plan addressing all aspects of the demonstration must be provided to and approved by the Board;

- 5) Reasonably conservative values must be used whenever values taken from the literature or estimated on the basis of known information are used instead of site-specific measurements;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

and

- 6) An analysis must be performed to identify and assess aspects of the demonstration that contribute significantly to uncertainty. The petitioner shall conduct a sensitivity analysis to determine the effect that significant uncertainty may contribute to the demonstration. The demonstration must then be based on conservative assumptions identified in the analysis.

- b) Any petitioner under Section 738.120(a)(1)(A) shall provide sufficient site-specific information to support the demonstration, such as:

- 1) Thickness, porosity, permeability and extent of the various strata in the injection zone;
- 2) Thickness, porosity, permeability, extent and continuity of the confining zone;
- 3) Hydraulic gradient in the injection zone;
- 4) Hydrostatic pressure in the injection zone; and
- 5) Geochemical conditions of the site.

- c) In addition to the information in subsection 738.121(b), any petitioner under Section 738.120(a)(1)(B) of this Part shall provide sufficient waste-specific information to ensure reasonably reliable predictions about the waste transformation. The petitioner shall provide the information necessary to support the demonstration, such as:

- 1) Description of the chemical processes or other means that will lead to waste transformation; and
- 2) Results of laboratory experiments verifying the waste transformation.

BOARD NOTE: Derived from 40 CFR 148.21 (1988), as added at 53 Fed. Reg. 28156, July 26, 1988.

Section 738.122 Submission, Review and Approval or Denial of Petitions

- a) Any petition submitted to the Board, pursuant to Section 738.120(a) of this Part, must include:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 1) An identification of the specific waste or wastes and the specific injection well or wells for which the demonstration will be made;
- 2) A waste analysis fully describing the chemical and physical characteristics of the subject wastes;
- 3) Such additional information as the Board requires to support the petition under Section 738.120 and Section 738.121 of this Part; and
- 4) This statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

b) The Board will provide public notice and an opportunity for public comment in accordance with the procedures in 35 Ill. Adm. Code 106.Subpart G.

c) An adjusted standard will apply only to the underground injection of the specific restricted waste or wastes identified in the petition into a Class I hazardous waste injection well or wells specifically identified in the petition (unless the adjusted standard is modified or reissued pursuant to Section 738.120(e) or (f)).

d) Upon request by any petitioner who obtains an adjusted standard for a well under this Subpart, the Agency shall initiate and reasonably expedite the necessary procedures to issue or reissue a permit or permits for the hazardous waste well or wells covered by the adjusted standard for a term not to exceed ten years.

e) Each adjusted standard granted under this Part is subject to the following condition, whether or not this condition appears as part of the adjusted standard, and the Board will include this condition as part of each adjusted standard granted: "This adjusted standard does not affect the enforceability of any provisions of the Environmental Protection Act, Board rules, or other laws, except to the extent that its provisions expressly

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

state otherwise."

BOARD NOTE: Derived from 40 CFR 148.22 (1988), as added at 53 Fed. Reg. 28156, July 26, 1988.

Section 738.123 Review of Adjusted Standards

- a) 1) When considering whether to reissue a permit for the operation of a Class I hazardous waste injection well, the Agency shall review any adjusted standard(s) granted by the Board pursuant to this Subpart.
- 2) If the Agency determines that new information shows that the basis for granting the adjusted standard may no longer be valid, the Agency shall request in writing that the permittee submit a petition to the Board to modify the adjusted standard.
- 3) All petitions requested by the Agency pursuant to subsection (a)(2) must be filed pursuant to section 738.120(f). Such a petition may seek reaffirmation of the adjusted standard without modification.
- 4) Permittee's failure to file a petition, Agency petitions for reconsideration and Board reconsideration of adjusted standards:
 - A) If the permittee fails to file a petition requested by the Agency under subsection (a)(2), the Agency may petition the Board for reconsideration of any adjusted standard granted under this Part at any time during the effectiveness of that adjusted standard, the limitation periods of 35 Ill. Adm. Code 101.300 and 101.301 notwithstanding.
 - B) i) The Board may conduct a plenary review of the substance of any adjusted standard on reconsideration to the same extent that it would review a new petition for an adjusted standard.
 - ii) The Board may treat a motion for reconsideration of an adjusted standard as a new petition under Section 738.120 and require that the full requirements of that section and of 35 Ill. Adm. Code 106.Subpart G apply to the proceeding, with the Agency acting as the petitioner.

b) Whenever the Board determines that the basis for approval of a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

petition may no longer be valid, the Board will require a new demonstration in accordance with Section 738.120.

BOARD NOTE: Derived from 40 CFR 148.23 (1988), as added at 53 Fed. Reg. 28157, July 26, 1988.

Section 738.124 Termination of Approved Petition

- a) 1) Enforcement actions against owners and operators having adjusted standards and limitations on Agency petitions for reconsideration of adjusted standards:

A) Any person may file an enforcement action against an owner or operator of an underground injection well pursuant to Section 33 of the Environmental Protection Act (Ill. Rev. Stat. ch. 111 1/2, par. 1033) for any violation of the Act or Board rules, notwithstanding the existence of any adjusted standard.

B) The Agency may petition the Board for reconsideration of any adjusted standard at any time during the effectiveness of that adjusted standard, the limitation periods of 35 Ill. Adm. Code 101.300 and 101.301 notwithstanding.

- 2) In any action under subsection (a)(1), if the Board finds a violation of the Act or Board regulations, the Board may terminate any adjusted standard granted under Section 738.120 for any of the following causes:

- A) Noncompliance by the owner or operator with any condition of the adjusted standard;
- B) The owner or operator's failure in the petition or during the review and approval to disclose fully all relevant facts, or the petitioner's misrepresentation of any relevant facts at any time; or
- C) A determination that new information shows that the basis for approval of the petition is no longer valid.

- b) In any action under subsection (a)(1), the Board will terminate an adjusted standard granted under Section 738.120 for the following cases:

- 1) The petitioner's willful withholding during the review and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

approval of the petition of facts directly and materially relevant to the Board's decision on the petition;

- 2) A determination that there has been migration from the injection zone or the well that is not in accordance with the terms of the adjusted standard, except that the Board, may at its discretion decide not to terminate where:

A) The migration resulted from a mechanical failure of the well that can be corrected promptly through a repair to the injection well itself or from an undetected well or conduit that can be plugged promptly; and

B) The requirements of 35 Ill. Adm. Code 730.167 are satisfied.

BOARD NOTE: Derived from 40 CFR 148.24 (1988), as added at 53 Fed. Reg. 28157, July 26, 1988.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3) Section Numbers: Adopted Action:
720.111 Amendments
- 4) Statutory Authority: Ill. Rev. Stat. 1987 and 1988 supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027.
- 5) Effective Date of Amendments: February 20, 1990
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Do these Amendments contain incorporations by reference?
Yes. 35 Ill. Adm. Code 720.111 lists the Board's incorporations by reference for the UIC and RCRA programs. The amendments add a new incorporation by reference.
- 8) Date filed in Board's Principal Office: Order adopted January 25, 1990.
- 9) Notice of Proposal Published in Illinois Register:
November 17, 1989 13 Ill. Reg. 17638
- 10) Has JCAR issued a Statement of Objections to these rules? No.
Section 13(c) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version: None.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will this amendment replace an emergency amendment currently in effect?
No.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any other amendments pending on this Part? Yes. In R89-9.
Section Numbers Proposed Action Illinois Register Citation
720.111 Amendments January 5, 1990, 14 Ill. Reg. 72
- 15) Summary and Purpose of Amendment:
A complete description is contained in the Board's Opinion of January 25, 1990 in R89-2, which Opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
This rulemaking updates the Board's UIC rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1, 1988 through December 31, 1988. The amendment adds an incorporation by reference.
Information and questions regarding this adopted amendment shall be directed to:
Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924
- 16) The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

720.101 Purpose, Scope and Applicability

720.102 Availability of Information; Confidentiality of Information

720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section

720.110 Definitions

720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

720.120 Rulemaking

720.121 Alternative Equivalent Testing Methods

720.122 Waste Delisting

720.130 Procedures for Solid Waste Determinations

720.131 Solid Waste Determinations

720.132 Boiler Determinations

720.133 Procedures for Determinations

720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis

720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective Feb. 20, 1990.

SUBPART B: DEFINITIONS

Section 720.111 References

a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December, 1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 1987, as supplemented by B31.3a 1988 and B31.3b 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 1986, as supplemented by B31.4a 1987. Also available from ANSI.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

"ASTM Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester," ASTM Standard D-3828-87.

"ASTM Standard Test Methods for Flash Point Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code", NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Procedures Manual for Ground Water Monitoring at

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820)

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)) (Document number PB 87-120291)

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E. Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 20, Appendix B (1988)

40 CFR 136 (1988)

40 CFR 142 (1988)

40 CFR 220 (1988)

40 CFR 260.20 (1988)

40 CFR 264 (1988)

40 CFR 302.4, 302.5 and 302.6 (1988)

40 CFR 761 (1988)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- d) This Section incorporates no later editions or amendments.
(Source: Amended at 14 Ill. Reg. 3075, effective Feb. 20, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: PROCEDURES FOR PERMIT ISSUANCE
- 2) Code Citation: 35 Ill. Adm. Code 705
- 3) Section Numbers: Adopted Action:
705.128 Amendments
705.163 Amendments
- 4) Statutory Authority: Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027.
- 5) Effective Date of Amendments: February 20, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these Amendments contain incorporations by reference? No.
- 8) Date filed in Board's Principal Office: Order adopted January 25, 1990.
- 9) Notice of Proposal Published in Illinois Register:
November 17, 1989, 13 Ill. Reg. 17644
- 10) Has JCAR issued a Statement of Objections to these rules? No.
Section 13(c) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version:
Minor editorial differences. The Board made minor corrections to the text of the amendments in response to public comments. These corrections are described in detail in the Board's Opinion of January 25, 1990 in Docket R89-2. The corrections include addition of references to Board RCRA permit rules erroneously omitted from the proposed text of Section 705.128.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 13) Will these amendments replace emergency amendments currently in effect?

No.

- 14) Are there any other amendments pending on this Part? No.

- 15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of January 25, 1990 in R89-2, which Opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1, 1988 through December 31, 1988. In short, these amendments require the Agency to obtain a new application for reissued permits, require notification to the Illinois Department of Mines and Minerals under certain circumstances, and incorporate new permit modification requirements in the form of elements of the Board's 35 Ill. Adm. Code 728 Land Disposal Restrictions rules.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 705

PROCEDURES FOR PERMIT ISSUANCE

SUBPART A: GENERAL PROVISIONS

Section
705.101 Scope and Applicability
705.102 Definitions
705.103 Computation of Time

SUBPART B: PERMIT APPLICATIONS

Section
705.121 Permit Application
705.122 Completeness
705.123 Incomplete Applications
705.124 Site Visit
705.125 Effective Date
705.126 Decision Schedule
705.127 Consolidation of Permit Processing
705.128 Modification or Revocation of Permits

SUBPART C: APPLICATION REVIEW

Section
705.141 Draft Permits
705.142 Statement of Basis
705.143 Fact Sheet
705.144 Administrative Record for Draft Permits or Notices of Intent to Deny

SUBPART D: PUBLIC NOTICE

Section
705.161 When Public Notice Must Be Given
705.162 Timing of Public Notice
705.163 Methods of Public Notice
705.164 Contents of Public Notice
705.165 Distribution of Other Materials

SUBPART E: PUBLIC COMMENT

Section
705.181 Public Comments and Requests for Public Hearings
705.182 Public Hearings
705.183 Obligation to Raise Issues and Provide Information
705.184 Reopening of Public Comment Period

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: PERMIT ISSUANCE

- Section 705.201 Final Permit Decision
- 705.202 Stays In General
- 705.203 Stays for New Applications
- 705.204 Stays for Reapplications and Modifications
- 705.205 Stays Following Interim Status
- 705.210 Response to Comments
- 705.211 Administrative Record for Final Permits or Letters of Denial
- 705.212 Appeal

- Appendix A Procedures for Permit Issuance
- Appendix B Modification Process
- Appendix C Application Process
- Appendix D Application Review Process
- Appendix E Public Comment Process
- Appendix F Permit Issuance or Denial

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111, pars. 1013, 1022.4 and 1027).

SOURCE: 6 Ill. Reg. 12.479, effective as provided in 35 Ill. Adm. Code 700.106; amended at 7 Ill. Reg. 14352, effective as provided in 35 Ill. Adm. Code 700.106; amended in R84-9, at 9 Ill. Reg. 11894, effective July 24, 1985; amended in R89-2 at 14 Ill. Reg. 3082, effective Feb. 20, 1990.

SUBPART B: PERMIT APPLICATIONS

Section 705.128 Modification or Revocation of Permits

- a) Permits may be modified either at the request of any interested person (including the permittee) or upon the Agency's initiative. However, permits may only be modified for the reasons specified in 35 Ill. Adm. Code 702.183 through 702.185 or 35 Ill. Adm. Code 703.270 through 703.273. All requests shall be in writing addressed to the Agency (Division of Land Pollution Control) and shall contain facts or reasons supporting the request.
- b) If the Agency decides the request is not justified, it shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification are not subject to public notice, comment or hearings. Denial of a request to modify may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.
- c) Agency Modification Procedures

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) If the Agency tentatively decides to initiate steps to modify a permit under this Section and 35 Ill. Adm. Code 702.183 through 702.185 or 35 Ill. Adm. Code 703.270 through 703.273 it shall, after giving public notice as though an application had been received (Section 705.161(a)(1)), prepare a draft permit under Section 705.141 incorporating the proposed changes. The Agency may request additional information and may require the submission of an updated permit application. For reissued permits, the Agency shall require the submission of a new application.
- 2) In a permit modification proceeding under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. During any modification proceeding, including appeals if any, the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.
- 3) "Minor modifications" as defined in 35 Ill. Adm. Code 702.187 through 702.189 and "Class 1 and 2 modifications," as defined in 35 Ill. Adm. Code 703.281 and 703.282, are not subject to the requirements of this section. If the Agency makes a minor modification, the modified permit must be accompanied by a letter stating the reasons for the minor modification.
- d) To the extent that the Agency has authority to terminate, revoke or ~~revoke and~~-reissue permits, if it decides to do so, it must prepare a draft permit or notice of intent to deny in accordance with Section 705.141.
- e) The Agency or any person may seek the revocation of a permit in accordance with Title VIII of the Environmental Protection Act and in accordance with 35 Ill. Adm. Code 103. Revocation may be sought only for those reasons specified in 35 Ill. Adm. Code 702.186(a)(1) through 702.186(e)(4)(d).

BOARD NOTE: Derived from 40 CFR 124.5 (1967) (1988), amended at 53 Fed. Reg. 37934, September 26, 1988.

(Source: Amended at 14 Ill. Reg. 3082, effective Feb. 20, 1990)

SUBPART D: PUBLIC NOTICE

Section 705.163 Methods of Public Notice

Public notice of activities described in Section 705.161(a) shall be given by the following methods:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

a) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):

- 1) The applicant.
- 2) Any other agency or entity which the Agency knows is required by state or federal law to review or approve issuance of a RCRA or UIC permit for the same facility or activity (including the U.S. Environmental Protection Agency, other Federal and State agencies with jurisdiction over waterways, wildlife or other natural resources, and other appropriate government authorities, including other affected States and units of local government).
- 3) Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources and over coastal zone management plans, the Advisory Council on Historical Preservation, State Historic Preservation Officers, and other appropriate government authorities, including any affected States;

4) Persons on a mailing list developed by:

- A) Including those who request in writing to be on the list;
- B) Including participants in past permit proceedings in that area; and
- C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in governmental publications. The Agency may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Agency may delete from the list the name of any person who fails to respond to such a request.

5) For RCRA permits only:

- A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and
- B) To each State Agency having any authority under State law with respect to the construction or operation of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

such facility.

6) For Class I injection well UIC permits only: to the Illinois Department of Mines and Minerals.

7) Any other person or entity which the Agency has reason to believe would be particularly interested in or affected by the proposed action.

b) Publication of notice:

- 1) For major UIC permits, publication of a notice in a daily or weekly newspaper of general circulation within the area affected by the facility or activity.
- 2) For RCRA permits, publication of a notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.
- c) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it.

BOARD NOTE: Derived from 40 CFR 124.10(c) (1987) (1988), amended at 53 Fed. Reg. 28147, July 26, 1988.

(Source: Amended at 14 Ill. Reg. 3082, effective Feb. 20, 1990)

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: RCRA and UIC Permit Programs

2) Code Citation: 35 Ill. Adm. Code 702

3) Section Numbers: Adopted Action:

702.160 Amendments
702.181 Amendments
702.182 Amendments
702.183 Amendments
702.184 Amendments
702.185 Amendments
702.187 Amendments

4) Statutory Authority: Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027.

5) Effective Date of Amendments: February 20, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these Amendments contain incorporations by reference? No.

8) Date filed in Board's Principal Office: Order adopted January 25, 1990.

9) Notice of Proposal Published in Illinois Register:

November 17, 1990, 13 Ill. Reg. 17651

10) Has JCAR issued a Statement of Objections to these rules? No.

Section 13(c) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Minor editorial differences. The Board made minor corrections to the text in response to the public comments. These corrections are discussed in detail in the Board's Opinion of January 25, 1990 in Docket R89-2.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13(c) of the Environmental Protection Act provides that Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these Amendments replace emergency Amendments currently in effect?

No.

14) Are there any other amendments pending on this Part? Yes. In R89-9.

Section Numbers Proposed Action Illinois Register Citation

702.122 Amendments January 5, 1990, 14 Ill. Reg. 129

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of January 25, 1990 in R89-2, which Opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1, 1988 through December 31, 1988. In brief, the amendments impose revised requirements for UIC permit conditions, implement new procedures for UIC permit modification, and moves UIC-only permit transfer and modification requirements to 35 Ill. Adm. Code 704.

16) Information and questions regarding this adopted @ shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 702

RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
702.101
702.102
702.103
702.104
702.105
702.106
702.107
702.108
702.109
702.110

Applicability
Purpose and Scope
Confidentiality
References
Rulemaking
Agency Criteria
Permit Appeals
Variances
Enforcement
Definitions

SUBPART B: PERMIT APPLICATIONS

Section
702.120
702.121
702.122
702.123
702.124
702.125
702.126

Permit Application
Who Applies
Completeness
Information Requirements
Recordkeeping
Continuation of Expiring Permits
Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section
702.140
702.141
702.142
702.143
702.144
702.145
702.146
702.147
702.148
702.149
702.150
702.151
702.152
702.160
702.161

Conditions Applicable to all Permits
Duty to Comply
Duty to Reapply
Need to Halt or Reduce Activity not a Defense
Duty to Mitigate
Proper Operation and Maintenance
Permit Actions
Property Rights
Duty to Provide Information
Inspection and Entry
Monitoring and Records
Signatory Requirements
Reporting Requirements
Establishing Permit Conditions
Duration of Permits

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

702.162 Schedules of Compliance
702.163 Alternative Schedules of Compliance
702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

Section
702.181
702.182
702.183
702.184
702.185
702.186
702.187

Effect of a Permit
Transfer
Modification
Causes for Modification
Facility Siting
Revocation
Minor Modifications

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at, 53 PCB 131, 7 Ill. Reg. 14352, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective Feb. 20, 1990.

SUBPART C: PERMIT CONDITIONS

Section 702.160 Establishing Permit Conditions

- a) In addition to conditions required in permits for both programs (Sections 702.140 through 702.152), the Agency shall establish conditions, as required on a case-by-case basis, in RCRA and UIC permits under Section 702.150 (monitoring and records), Section 702.161 (duration of permits), Section 702.162 (schedules of compliance), Section 702.163 (alternate schedules of compliance) and Section 702.164 (Recording and Reporting). For UIC only, permits for owners and operators of hazardous waste injection wells must include conditions meeting the requirements of 35 Ill. Adm. Code 704.201 through 704.203 (requirements for wells injecting hazardous waste), 704.189 and 704.191, and 35 Ill. Adm. Code 730.Subpart G. Permits for other wells must contain the requirements set forth in 35 Ill. Adm. Code 704.Subpart E when

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

applicable.

BOARD NOTE: Derived from 40 CFR 144.52(a) (1987~~8~~), as amended at 53 Fed. Reg. 28147, July 26, 1988 and 270.32(a) (1988).

b) Additional conditions.

- 1) In addition to conditions required in all permits for a particular program (35 Ill. Adm. Code 703.241 et seq. for RCRA and 35 Ill. Adm. Code 704.181 et seq. for UIC), the Agency shall establish conditions in permits for the individual programs, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the appropriate Act and regulations.

BOARD NOTE: Derived from 40 CFR 144.52(b) and 270.32(b) (1988).

- 2) An applicable requirement is a statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit. 35 Ill. Adm. Code 705.184 (reopening of comment period) provides a means for reopening permit proceedings at the discretion of the Agency where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. An applicable requirement is also any requirement which takes effect prior to the modification of a permit, to the extent allowed in 35 Ill. Adm. Code 705.201.

BOARD NOTE: Derived from 40 CFR 144.52(b) and 270.32(c) (1988).

- 3) New or reissued permits, and to the extent allowed under 35 Ill. Adm. Code 705.201 modified permits, shall incorporate each of the applicable requirements referenced in 35 Ill. Adm. Code 703.241 et seq. (RCRA) and 35 Ill. Adm. Code 704.182 through 704.191 (UIC).

BOARD NOTE: Derived from 40 CFR 144.52(b) and 270.32(d) (1988).

- c) Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

BOARD NOTE: Derived from 40 CFR 144.52(c) and 270.32(e) (1988).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 14 Ill. Reg. 3089, effective Feb. 20, 1990)

SUBPART D: ISSUED PERMITS

Section 702.181 Effect of a Permit

- a) The existence of a RCRA or UIC permit shall not constitute a defense to a violation of the Environmental Protection Act or this Subtitle, except for development, modification or operation without a permit. However, a permit may be modified, reissued or revoked during its term for cause as set forth in 35 Ill. Adm. Code 703.270 through 703.273 (RCRA) and 35 Ill. Adm. Code 704.261 through 704.263 (UIC) and Section 702.186 ~~(RCRA) and Sections 702.183 through 702.186 (UIC).~~

- b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

- c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations, except as noted in subsection (a).

BOARD NOTE: Derived from 144.35 (1988) and 40 CFR 270.4 (1988), as amended at 53 Fed. Reg. 37934, September 28, 1988.

(Source: Amended at 14 Ill. Reg. 3089, effective Feb. 20, 1990)

Section 702.182 Transfer

~~This Section applies only to UIC permits.~~ For RCRA, see 35 Ill. Adm. Code 703.260. For UIC, see 35 Ill. Adm. Code 704.260.

- a) ~~Transfer by modification. Except as provided in subsection (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or reissued under Section 702.183 through 702.185 or a minor modification made under Section 702.187(d), to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act. The new owner or operator to whom the permit is transferred shall comply with all the terms and conditions specified in such permit.~~

- b) ~~Automatic transfers. As an alternative to transfers under subsection (a), any UIC permit for a well not injecting hazardous waste may be automatically transferred to a new permittee if:~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) ~~The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date in subsection (b)(2).~~
- 2) ~~The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them and the notice demonstrates that the financial responsibility requirements of 35 Ill. Adm. Code 704.189 will be met by the new permittee and that the new permittee agrees to comply with all the terms and conditions specified in the permit to be transferred under subsection (b), and~~
- 3) ~~The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify the permit. A modification under this subsection may also be a minor modification under Section 702.187. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in subsection (b)(2).~~

BOARD NOTE: Derived from 40 CFR 144.38 (1987).

(Source: Amended at 14 Ill. Reg. 3089, effective Feb. 20, 1990.)

Section 702.183 Modification

~~This Section applies only to UIC permits. For RCRA, see 35 Ill. Adm. Code 703.270. For UIC, see 35 Ill. Adm. Code 704.261. When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see Sections 702.149 through 702.152), receives a request for modification or conducts a review of the permit file) it may determine whether or not one or more of the causes listed in Sections 702.184 and 702.185 for modification exist. If cause exists, the Agency may modify the permit accordingly, subject to the limitations of Section 702.185 and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If cause does not exist under Section 702.183 through 702.185 or Section 702.187 the Agency shall not modify the permit. If a permit modification satisfies the criteria in Section 702.187 for "minor modifications" the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in 35 Ill. Adm. Code 705 followed.~~

BOARD NOTE: Derived from 40 CFR 144.39 (1987).

(Source: Amended at 14 Ill. Reg. 3089, effective Feb. 20, 1990.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 702.184 Causes for Modification

~~This Section applies only to UIC permits. For RCRA, see 35 Ill. Adm. Code 703.271 and 703.272. For UIC, see 35 Ill. Adm. Code 704.262.~~

- a) ~~The following are cause for modification, but not reissuance, of permits, the following may be cause for reissuance as well as modification when the permittee requests or agrees:~~
 - i) ~~Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.~~
 - 2) ~~Information. The Agency has received information, permits other than for UIC Class III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance or test methods) and would have justified the application of different permit conditions at the time of issuance. For UIC area permits this cause shall include any information indicating that cumulative effects on the environment are unacceptable.~~
 - 3) ~~New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations or by judicial decision after the permit was issued. Permits other than for UIC Class III wells may be modified during their terms for this cause only as follows:~~
 - A) ~~The Agency may modify the permit when standards or regulations on which the permit was based have been changed by statute or amended standards or regulations.~~
 - B) ~~The permittee may request modification when:~~
 - i) ~~The permit condition requested to be modified was based on a promulgated 35 Ill. Adm. Code 730 (UIC) regulation, and~~
 - ii) ~~The Board has revised, withdrawn or modified that portion of the regulation on which the permit condition was based, and~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

iii) A permittee requests modification in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days after Illinois Register notice of the rulemaking on which the request is based.

6) For judicial decisions, a court of competent jurisdiction has remanded and stayed Board promulgated regulations, if the remand and stay concern that portion of the regulations on which the permit condition was based or if a request is filed by the permittee in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days of judicial remand.

4) Compliance schedules. The Agency determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

b) The following are causes to modify or, alternatively, reissue a permit: The Agency has received notification (as required in the permit, see Section 702.152(c)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (Section 702.182(b)) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

BOARD NOTE: Derived from 40 CFR 144.39 (1988).

(Source: Amended at 14 Ill. Reg. 3089, effective Feb. 20, 1990)

Section 702.185 Facility Siting

This section applies only to UIC permits. For RCRA, see 35 Ill. Adm. Code 703.273. For UIC, see 35 Ill. Adm. Code 704.263. Suitability of the facility location will not be considered at the time of permit modification unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance or unless required under the Environmental Protection Act. However, certain modifications may require site location suitability approval pursuant to Section 39.2 of the Environmental Protection Act.

BOARD NOTE: Derived from 40 CFR 144.39(c) (1988).

(Source: Amended at 14 Ill. Reg. 3089, effective Feb. 20, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 702.187 Minor Modifications

This section applies only to UIC permits. For RCRA, see 35 Ill. Adm. Code 703.280. For UIC, see 35 Ill. Adm. Code 704.264. Upon the consent of the permittee, the Agency may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section, without following the procedures of 35 Ill. Adm. Code 705. Any permit modification not processed as a minor modification under this section must be made for cause and with a 35 Ill. Adm. Code 705 draft permit and public notice as required in Sections 702.183 through 702.185. Minor modifications may only:

- a) ~~Correct typographical errors.~~
- b) ~~Require more frequent monitoring or reporting by the permittee.~~
- c) ~~Change an interim compliance date in a schedule of compliance provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement, or~~
- d) ~~Allow for a change in ownership or operational control of a facility where the Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Agency.~~
- e) ~~For UIC only:

 - 1) ~~Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Agency, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.~~
 - 2) ~~Change construction requirements approved by the Agency pursuant to 35 Ill. Adm. Code 704.182 (establishing UIC permit conditions), provided that any such alteration shall comply with the requirements of this Part and 35 Ill. Adm. Code 704 and 730.~~
 - 3) ~~Amend a plugging and abandonment plan which has been updated under 35 Ill. Adm. Code 704.181(e).~~~~

BOARD NOTE: Derived from 40 CFR 144.41 (1987).

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 14 Ill. Reg. 3089, effective Feb. 20, 1990,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Sewer Discharge Criteria
- 2) The Code Citation: 35 Ill. Adm. Code 307
- 3) Section Number: Adopted Action:
307.1102 Amend
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111½, pars. 1010 and 1027
- 5) Effective Date of Rule(s) (Amendments, Repealer): February 20, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
If so, please specify date: _____
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No.
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?
- 8) Date Filed in Agency's Principal Office: October 18, 1989
- 9) Notice(s) of Proposal Published in Illinois Register: 13 Ill. Reg. 7530, May 19, 1989.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following:
 - A) Statement of Objection: _____, Ill. Reg. _____.
 - B) Agency Response: _____, Ill. Reg. _____.
 - C) Date Agency Response Submitted for Approval to JCAR: _____.
- 11) Difference(s) between proposal and final version:

The rule as adopted is substantively unchanged from the rule as proposed. The main difference is that the adopted rule specifically refers to Reilly Industries, Inc., whereas the proposed rule referred to the facility in general terms.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? Yes.

Section Numbers:	Proposed Action:	Illinois Register Citation:
307.2490 Amend	13 Ill. Reg. 20257, 12/29/89	
307.2491 Amend	13 Ill. Reg. 20257, 12/29/89	
307.8103 Amend	13 Ill. Reg. 20257, 12/29/89	
307.8109 Amend	13 Ill. Reg. 20257, 12/29/89	

15) Summary and Purpose of Rule(s):

The proposed amendment involve a site-specific rule granting Reilly Industries, Inc. an exception to the mercury discharge limitations set forth at 35 Ill. Adm. Code 307.1102(a). The new rule is explained in detail in the Board's April 27, 1989 Opinion and Order in R88-9, available upon request to the Clerk of the Board.

16) Information and questions regarding this adopted rule shall be directed to:

Karen S. Rosenwinkel
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 814-3665

The full text of the adopted rule(s) begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 307

SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	
307.1101	General and Specific Requirements
307.1102	Mercury
307.1103	Cyanide

SUBPART F: DAIRY PRODUCTS PROCESSING

Section	
307.1501	Receiving Stations
307.1502	Fluid Products
307.1503	Cultured Products
307.1504	Butter
307.1505	Cottage Cheese and Cultured Cream Cheese
307.1506	Natural and Processed Cheese
307.1507	Fluid Mix for Ice Cream and other Frozen Desserts
307.1508	Ice Cream, Frozen Desserts, Novelities and Other Dairy Desserts
307.1509	Condensed Milk
307.1510	Dry Milk
307.1511	Condensed Whey
307.1512	Dry Whey

SUBPART G: GRAIN MILLS

Section	
307.1601	Corn Wet Milling
307.1602	Corn Dry Milling
307.1603	Normal Wheat Flour Milling
307.1604	Bulgur Wheat Flour Milling

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.1605 Normal Rice Milling
 307.1606 Parboiled Rice Milling
 307.1607 Animal Feed
 307.1608 Hot Cereal
 307.1609 Ready-to-eat Cereal
 307.1610 Wheat Starch and Gluten

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section
 307.1700 General Provisions
 307.1701 Apple Juice
 307.1702 Apple Products
 307.1703 Citrus Products
 307.1704 Frozen Potato Products
 307.1705 Dehydrated Potato Products
 307.1706 Canned and Preserved Fruits
 307.1707 Canned and Preserved Vegetables
 307.1708 Canned and Miscellaneous Specialties

SUBPART I: CANNED AND PRESERVED SEAFOOD

Section
 307.1801 Farm-raised Catfish
 307.1815 Fish Meal Processing Subcategory

SUBPART J: SUGAR PROCESSING

Section
 307.1901 Beet Sugar Processing
 307.1902 Crystalline Cane Sugar Refining
 307.1903 Liquid Cane Sugar Refining

SUBPART K: TEXTILE MILLS

Section
 307.2000 General Provisions
 307.2001 Wool Scouring
 307.2002 Wool Finishing
 307.2003 Low Water Use Processing
 307.2004 Woven Fabric Finishing
 307.2005 Knit Fabric Finishing
 307.2006 Carpet Finishing
 307.2007 Stock and Yarn Finishing
 307.2008 Nonwoven Manufacturing
 307.2009 Felted Fabric Processing

SUBPART L: CEMENT MANUFACTURING

Section
 307.2101 Nonleaching
 307.2102 Leaching

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.2103 Materials Storage Piles Runoff

SUBPART M: FEEDLOTS

Section
 307.2201 General
 307.2202 Ducks

SUBPART N: ELECTROPLATING

Section
 307.2300 General Provisions
 307.2301 Electroplating of Common Metals
 307.2302 Electroplating of Precious Metals
 307.2304 Anodizing
 307.2305 Coatings
 307.2306 Chemical Etching and Milling
 307.2307 Electroless Plating
 307.2308 Printed Circuit Boards

SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section
 307.2400 General Provisions
 307.2401 Rayon Fibers
 307.2402 Other Fibers
 307.2403 Thermoplastic Resins
 307.2404 Thermosetting Resins
 307.2405 Commodity Organic Chemicals
 307.2406 Bulk Organic Chemicals
 307.2407 Specialty Organic Chemicals
 307.2490 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams
 307.2491 Complexed Metal-bearing Wastestreams

SUBPART P: INORGANIC CHEMICALS MANUFACTURING

Section
 307.2500 General Provisions
 307.2501 Aluminum Chloride Production
 307.2502 Aluminum Sulfate Production
 307.2503 Calcium Carbide Production
 307.2504 Calcium Chloride Production
 307.2505 Calcium Oxide Production
 307.2506 Chlor-alkali Process (Chlorine and Sodium or Potassium Hydroxide Production)
 307.2508 Hydrofluoric Acid Production
 307.2509 Hydrogen Peroxide Production
 307.2511 Potassium Metal Production
 307.2512 Potassium Dichromate Production
 307.2513 Potassium Sulfate Production

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.2514	Sodium Bicarbonate Production
307.2516	Sodium Chloride Production
307.2517	Sodium Dichromate and Sodium Sulfate Production
307.2520	Sodium Sulfite Production
307.2522	Titanium Dioxide Production
307.2523	Aluminum Fluoride Production
307.2524	Ammonium Chloride Production
307.2527	Borax Production
307.2528	Boric Acid Production
307.2529	Bromine Production
307.2530	Calcium Carbonate Production
307.2531	Calcium Hydroxide Production
307.2533	Carbon Monoxide and Byproduct Hydrogen Production
307.2534	Chrome Pigments Production
307.2535	Chromic Acid Production
307.2536	Copper Salts Production
307.2538	Ferric Chloride Production
307.2540	Fluorine Production
307.2541	Hydrogen Production
307.2542	Hydrogen Cyanide Production
307.2543	Iodine Production
307.2544	Lead Monoxide Production
307.2545	Lithium Carbonate Production
307.2547	Nickel Salts Production
307.2549	Oxygen and Nitrogen Production
307.2550	Potassium Chloride Production
307.2551	Potassium Iodide Production
307.2553	Silver Nitrate Production
307.2554	Sodium Bisulfite Production
307.2555	Sodium Fluoride Production
307.2560	Stannic Oxide Production
307.2563	Zinc Sulfate Production
307.2564	Cadmium Pigments and Salts Production
307.2565	Cobalt Salts Production
307.2566	Sodium Chlorate Production
307.2567	Zinc Chloride Production

SUBPART R: SOAP AND DETERGENTS

Section	
307.2701	Soap Manufacturing by Batch Kettle
307.2702	Fatty Acid Manufacturing by Fat Splitting
307.2703	Soap Manufacturing by Fatty Acid Neutralization
307.2704	Glycerine Concentration
307.2705	Glycerine Distillation
307.2706	Manufacture of Soap Flakes and Powders
307.2707	Manufacture of Bar Soaps
307.2708	Manufacture of Liquid Soaps

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.2709	Oleum Sulfonation and Sulfation
307.2710	Air-Sulfur Trioxide Sulfation and Sulfonation
307.2711	Sulfur Trioxide Solvent and Vacuum Sulfonation
307.2712	Sulfamic Acid Sulfation
307.2713	Chlorosulfonic Acid Sulfation
307.2714	Neutralization of Sulfuric Acid Esters and Sulfonic Acids
307.2715	Manufacture of Spray Dried Detergents
307.2716	Manufacture of Liquid Detergents
307.2717	Manufacturing of Detergents by Dry Blending
307.2718	Manufacture of Drum Dried Detergents
307.2719	Manufacture of Detergent Bars and Cakes

SUBPART S: FERTILIZER MANUFACTURING

Section	
307.2801	Phosphate
307.2802	Ammonia
307.2803	Urea
307.2804	Ammonium Nitrate
307.2805	Nitric Acid
307.2806	Ammonium Sulfate Production
307.2807	Mixed and Blend Fertilizer Production

SUBPART T: PETROLEUM REFINING

Section	
307.2901	Topping
307.2902	Cracking
307.2903	Petrochemical
307.2904	Lube
307.2905	Integrated

SUBPART U: IRON AND STEEL MANUFACTURING

Section	
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307.3000	General Provisions
307.3001	Cokemaking
307.3002	Sintering
307.3003	Ironmaking
307.3004	Steelmaking
307.3005	Vacuum Degassing
307.3006	Continuous Casting
307.3007	Hot Forming
307.3008	Salt Bath Descaling
307.3009	Acid Pickling
307.3010	Cold Forming
307.3011	Alkaline Cleaning
307.3012	Hot Coating

SUBPART V: NONFERROUS METALS MANUFACTURING

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section	
307.3100	General Provisions
307.3101	Bauxite Refining
307.3102	Primary Aluminum Smelting
307.3103	Secondary Aluminum Smelting
307.3104	Primary Copper Smelting
307.3105	Primary Electrolytic Copper Refining
307.3106	Secondary Copper
307.3107	Primary Lead
307.3108	Primary Zinc
307.3109	Metallurgical Acid Plants
307.3110	Primary Tungsten
307.3111	Primary Columbium-Tantalum
307.3112	Secondary Silver
307.3113	Secondary Lead
307.3114	Primary Antimony
307.3115	Primary Beryllium
307.3116	Primary and Secondary Germanium and Gallium
307.3117	Secondary Indium
307.3118	Secondary Mercury
307.3119	Primary Molybdenum and Rhenium
307.3120	Secondary Molybdenum and Vanadium
307.3121	Primary Nickel and Cobalt
307.3122	Secondary Nickel
307.3123	Primary Precious Metals and Mercury
307.3124	Secondary Precious Metals
307.3125	Primary Rare Earth Metals
307.3126	Secondary Tantalum
307.3127	Secondary Tin
307.3128	Primary and Secondary Titanium
307.3129	Secondary Tungsten and Cobalt
307.3130	Secondary Uranium
307.3131	Primary Zirconium and Hafnium

SUBPART X: STEAM ELECTRIC POWER GENERATING

Section	
307.3301	Steam Electric Power Generating
SUBPART Y: FERROALLOY MANUFACTURING	
307.3401	Open Electric Furnaces With Wet Air Pollution Control Devices
307.3402	Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices
307.3403	Slag Processing
307.3404	Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.3405	Other Calcium Carbide Furnaces
307.3406	Electrolytic Manganese Products
307.3407	Electrolytic Chromium
SUBPART Z: LEATHER TANNING AND FINISHING	
General Provisions	
307.3500	Hair Pulp, Chrome Tan, Retan-Wet Finish
307.3501	Hair Save, Chrome Tan, Retan-Wet Finish
307.3502	Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish
307.3503	Retan-Wet Finish-Sides
307.3504	No Beamhouse
307.3505	Through-the-Blue
307.3506	Shearling
307.3507	Pigskin
307.3508	Retan-Wet Finish-Splits
307.3509	Potassium Ferricyanide Titration Method
307.3590	
SUBPART BA: GLASS MANUFACTURING	
Insulation Fiberglass	
307.3601	Sheet Glass Manufacturing
307.3602	Rolled Glass Manufacturing
307.3603	Plate Glass Manufacturing
307.3604	Float Glass Manufacturing
307.3605	Automotive Glass Tempering
307.3606	Automotive Glass Laminating
307.3607	Glass Container Manufacturing
307.3608	Glass Tubing (Danner) Manufacturing
307.3610	Television Picture Tube Envelope Manufacturing
307.3611	Incandescent Lamp Envelope Manufacturing
307.3612	Hand Pressed and Blown Glass Manufacturing
307.3613	

SUBPART BB: ASBESTOS MANUFACTURING

Section	
307.3701	Asbestos-Cement Pipe
307.3702	Asbestos-Cement Sheet
307.3703	Asbestos Paper (Starch Binder)
307.3704	Asbestos Paper (Elastomeric Binder)
307.3705	Asbestos Millboard
307.3706	Asbestos Roofing
307.3707	Asbestos Floor Tile
307.3708	Coating or Finishing of Asbestos Textiles
307.3709	Solvent Recovery
307.3710	Vapor Absorption
307.3711	Wet Dust Collection

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART BC: RUBBER MANUFACTURING

Section	
307.3801	Tire and Inner Tube Plants
307.3802	Emulsion Crumb Rubber
307.3803	Solution Crumb Rubber
307.3804	Latex Rubber
307.3805	Small-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3806	Medium-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3807	Large-Sized General Molded, Extruded and Fabricated Rubber Plants
307.3808	Wet Digestion Reclaimed Rubber
307.3809	Pan, Dry Digestion and Mechanical Reclaimed Rubber
307.3810	Latex-Dipped, Latex-Extruded and Latex-Molded Rubber
307.3811	Latex Foam

SUBPART BD: TIMBER PRODUCTS PROCESSING

Section	
307.3900	General Provisions
307.3901	Barking
307.3902	Veneer
307.3903	Plywood
307.3904	Dry Process Hardboard
307.3905	Wet Process Hardboard
307.3906	Wood Preserving-Water Borne or Nonpressure
307.3907	Wood Preserving-Steam
307.3908	Wood Preserving-Boulton
307.3909	Wet Storage
307.3910	Log Washing
307.3911	Sawmills and Planing Mills
307.3912	Finishing
307.3913	Particleboard Manufacturing
307.3914	Insulation Board
307.3915	Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Without Laundry Facilities
307.3916	Wood Furniture and Fixture Production with Water Wash Spray Booth(s) or With Laundry Facilities

SUBPART BE: PULP, PAPER AND PAPERBOARD

Section	
307.4000	General Provisions
307.4001	Unbleached Kraft
307.4002	Semi-Chemical
307.4004	Unbleached Kraft-Neutral Sulfite Semi-Chemical (Cross Recovery)
307.4005	Paperboard From Wastepaper

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.4006	Dissolving Kraft
307.4007	Market Bleached Kraft
307.4008	BCT Bleached Kraft
307.4009	Fine Bleached Kraft
307.4010	Papergrade Sulfite (Blow Pit Wash)
307.4011	Dissolving Sulfite Pulp
307.4012	Groundwood-Chemi-Mechanical
307.4013	Groundwood-Thermo-Mechanical
307.4014	Groundwood-CMN Papers
307.4015	Groundwood-Fine Papers
307.4016	Soda
307.4017	Deink
307.4018	Nonintegrated-Fine Papers
307.4019	Nonintegrated-Tissue Papers
307.4020	Tissue From Wastepaper
307.4021	Papergrade Sulfite (Drum Wash)
307.4022	Unbleached Kraft and Semi-Chemical
307.4023	Wastepaper-Molded Products
307.4024	Nonintegrated-Lightweight Papers
307.4025	Nonintegrated-Filter and Nonwoven Papers
307.4026	Nonintegrated-Paperboard

SUBPART BF: BUILDERS' PAPER AND BOARD MILLS

Section	
307.4101	Builder's Paper and Roofing Felt
SUBPART BG: MEAT PRODUCTS	
Section	
307.4201	Simple Slaughterhouse
307.4202	Complex Slaughterhouse
307.4203	Low-Processing Packinghouse
307.4204	High-Processing Packinghouse
307.4205	Small Processor
307.4206	Meat Cutter
307.4207	Sausage and Luncheon Meats Processor
307.4208	Ham Processor
307.4209	Canned Meats Processor
307.4210	Renderer

SUBPART BH: METAL FINISHING

Section	
307.4300	General Provisions
307.4301	Metal Finishing

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART BN: PHARMACEUTICAL MANUFACTURING

Section

307.4900 General Provisions
 307.4901 Fermentation Products
 307.4902 Extraction Products
 307.4903 Chemical Synthesis Products
 307.4904 Mixing/Compounding and Formulation
 307.4905 Research

SUBPART BR: PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

Section

307.5301 Asphalt Emulsion
 307.5302 Asphalt Concrete
 307.5303 Asphalt Roofing
 307.5304 Linoleum and Printed Asphalt Felt

SUBPART BU: PAINT FORMULATING

Section

307.5601 Oil-Base Solvent Wash Paint

SUBPART BV: INK FORMULATING

Section

307.5701 Oil-Base Solvent Wash Ink

SUBPART CD: PESTICIDE CHEMICALS

Section

307.6500 General Provisions
 307.6501 Organic Pesticide Chemicals Manufacturing
 307.6502 Metallo-Organic Pesticides Chemicals Manufacturing
 307.6503 Pesticide Chemicals Formulating and Packaging

SUBPART CG: CARBON BLACK MANUFACTURING

Section

307.6801 Carbon Black Furnace Process
 307.6802 Carbon Black Thermal Process
 307.6803 Carbon Black Channel Process
 307.6804 Carbon Black Lamp Process

SUBPART CJ: BATTERY MANUFACTURING

Section

307.7100 General Provisions
 307.7101 Cadmium
 307.7102 Calcium
 307.7103 Lead
 307.7104 Leclanche
 307.7105 Lithium
 307.7106 Magnesium

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.7107 Zinc

Section

307.7300 General Provisions
 307.7301 Contact Cooling and Heating Water
 307.7302 Cleaning Water
 307.7303 Finishing Water

SUBPART CM: METAL MOLDING AND CASTING

Section

307.7400 General Provisions
 307.7401 Aluminum Casting
 307.7402 Copper Casting
 307.7403 Ferrous Casting
 307.7404 Zinc Casting

SUBPART CN: COIL COATING

Section

307.7500 General Provisions
 307.7501 Steel Basis Material
 307.7502 Galvanized Basis Material
 307.7503 Aluminum Basis Material
 307.7504 Canmaking

SUBPART CO: PORCELAIN ENAMELING

Section

307.7600 General Provisions
 307.7601 Steel Basis Material
 307.7602 Cast Iron Basis Material
 307.7603 Aluminum Basis Material
 307.7604 Copper Basis Material

SUBPART CP: ALUMINUM FORMING

Section

307.7700 General Provisions
 307.7701 Rolling With Neat Oils
 307.7702 Rolling With Emulsions
 307.7703 Extrusion
 307.7704 Forging
 307.7705 Drawing With Neat Oils
 307.7706 Drawing With Emulsions or Soaps

SUBPART CQ: COPPER FORMING

Section

307.7800 General Provisions
 307.7801 Copper Forming

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

307.7802 Beryllium Copper Forming

SUBPART CR: ELECTRICAL AND ELECTRONIC COMPONENTS

Section

307.7901 Semiconductor

307.7902 Electronic Crystals

307.7903 Cathode Ray Tube

307.7904 Luminescent Materials

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section

307.8100 General Provisions

307.8101 Lead-Tin-Bismuth Forming

307.8102 Magnesium Forming

307.8103 Nickel-Cobalt Forming

307.8104 Precious Metals Forming

307.8105 Refractory Metals Forming

307.8106 Titanium Forming

307.8107 Uranium Forming

307.8108 Zinc Forming

307.8109 Zirconium-Hafnium Forming

307.8110 Metal Powders

Appendix A

References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1013.3 and 1027, as amended by P.A. 85-1048, effective January 1, 1989).

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 Ill. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1625, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 Ill. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 Ill. Reg. 1794, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19288, effective November 17, 1989; amended in R88-9, at 14 Ill. Reg. 3100, effective February 20, 1990.

Section 307.1102 Mercury

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

a) Except as provided below, no person shall cause or allow the concentration of mercury in any discharge to a publicly owned or publicly regulated sewer system to exceed the following level, subject to the averaging rule contained in 35 Ill. Adm. Code 304.104(a):

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
Mercury	71900	0.0005

b) It shall be an exception to subsection (a) if the discharge is to a publicly owned or publicly regulated sewer system which is required to meet a limitation less stringent than the 0.0005 mg/l mercury concentration in which case the discharge limitation shall be the same as that applicable to the publicly owned or regulated sewer system to which it discharges.

c) It shall be an exception to subsection (a) if all the following conditions are met:

- 1) The discharger does not use mercury; or, the discharger uses mercury and this use cannot be eliminated; or, the discharger uses mercury only in chemical analysis or in laboratory or other equipment and takes reasonable care to avoid contamination of wastewater; and,
 - 2) The discharge mercury concentration is less than 0.003 mg/l, as determined by application of the averaging rules of 35 Ill. Adm. Code 304.104(a); and,
 - 3) The discharger is providing the best degree of treatment consistent with technological feasibility, economic reasonableness and sound engineering judgment. This may include no treatment for mercury; and,
 - 4) The discharger has an inspection and maintenance program likely to reduce or to prevent an increase in the level of mercury discharges.
- d) The discharge of wastes from medicinal or therapeutic use of mercury, exclusive of laboratory use, shall be exempt from the limitations of subsection (a) if all the following conditions are met:

- 1) The total plant discharge is less than 227 g (one half

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- pound) as Hg in any year;
- 2) This discharge is to a public sewer system; and
 - 3) The discharge does not, alone or in conjunction with other sources, cause the effluent from the sewer system or treatment plant to exceed 0.0005 mg/l of mercury.
 - e) No person shall cause or allow any discharge of mercury to a publicly owned or publicly regulated sewer system which, alone or in combination with other sources, causes a violation by the sewer treatment plant discharge of the water quality standard of 35 Ill. Adm. Code 302 for mercury applicable in the receiving stream.
 - f) For purposes of permit issuance the Agency may consider application of the exception of subsection (b) or (c) to determine compliance with this Section. The Agency may impose permit conditions necessary or required to assure continued application of the exception. When subsection (b) or (c) applies, the Agency may impose an effluent limitation in the permit which allows the discharge of a concentration of mercury greater than 0.0005 mg/l but not more than 0.003 mg/l.
 - g) The mercury standards of Section 307.1102 shall not apply to the Reilly Industries, Inc. Granite City which discharges to any publicly-owned treatment works which receives such a manufacturing facilities wastewater. The amount of mercury discharged by any such manufacturing facility shall not exceed a monthly average of 0.025 mg/l nor a maximum of 0.035 mg/l or 7.5 grams per day, subject to the Board's averaging rules during any one day.

(Source: Amended at 14, Ill. Reg. 3100, effective February 20, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: UIC PERMIT PROGRAM
- 2) Code Citation: 35 Ill. Adm. Code 704
- 3) Section Numbers: Adopted Action:

704.161	Amendments
704.181	Amendments
704.260	New Section
704.261	New Section
704.262	New Section
704.263	New Section
704.264	New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027.
- 5) Effective Date of Amendments: February 20, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these Amendments contain incorporations by reference? No.
- 8) Date filed in Board's Principal Office: Order adopted January 25, 1990.
- 9) Notice of Proposal Published in Illinois Register:
November 27, 1989, 13 Ill. Reg. 18125
- 10) Has JCAR issued a Statement of Objections to these rules? No.
Section 13(c) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, the Board has revised the text of the amendments in response to public comments submitted by JCAR.
- 11) Differences between proposal and final version:
Minor editorial differences. The Board has made minor corrections to the text of the amendments in response to public comments. Those revision are discussed in the Board's January 25, 1990 Opinion in Docket R89-2. Examples of such revisions include restoring the word "reissue" to Section 704.181 and changing references to other Board rules in Section 704.260.
- 12) Have all the changes agreed upon by the Board and JCAR been made as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

indicated in the agreement letter issued by JCAR?

Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, the Board has revised the text of the amendments in response to public comments submitted by JCAR.

13) Will these Amendments replace an emergency Amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of January 25, 1990 in R89-2, which Opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by USFPA which appeared in the Federal Register during the period July 1, 1988 through December 31, 1988. The amendments include a new provision that a RCRA permit can constitute a UIC permit under certain circumstances, incorporation of new permit condition requirements, and new requirements for UIC permit modification and transfer.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 704

UIC PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section 704.101	Content
704.102	Scope of the Permit or Rule Requirement
704.103	Identification of Aquifers
704.104	Exempted Aquifers
704.105	Specific Inclusions and Exclusions
704.106	Classification of Injection Wells
704.107	Definitions

SUBPART B: PROHIBITIONS

Section 704.121	Prohibition of Unauthorized Injection
704.122	Prohibition of Movement of Fluid into USDW
704.123	Identification of USDW and Exempted Aquifers
704.124	Prohibition of Class IV Wells

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section 704.141	Existing Class I and III Wells
704.142	Existing Class IV Wells, not into USDW (Renumbered)
704.143	Expiration of Authorization
704.144	Requirements
704.145	Existing Class IV Wells
704.146	Class V Wells
704.147	Requiring a Permit
704.148	Inventory Requirements
704.149	Requiring other Information
704.150	Requirements for Class I and III Wells authorized by Rule
704.151	RCRA Interim Status for Class I Wells

SUBPART D: APPLICATION FOR PERMIT

Section 704.161	Application for Permit; Authorization by Permit
704.162	Area Permits
704.163	Emergency Permits

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Signatories to Permit Applications

SUBPART E: PERMIT CONDITIONS

Section

704.181 Additional Conditions
 704.182 Establishing UIC Permit Conditions
 704.183 Construction Requirements
 704.184 Corrective Action
 704.185 Operation Requirements
 704.186 Hazardous Waste Requirements
 704.187 Monitoring and Reporting
 704.188 Plugging and Abandonment
 704.189 Financial Responsibility
 704.190 Mechanical Integrity
 704.191 Additional Conditions
 704.192 Waiver of Requirements by Agency
 704.193 Corrective Action

SUBPART F: REQUIREMENTS FOR WELLS INJECTING HAZARDOUS WASTE

Section

704.201 Applicability
 704.202 Authorization
 704.203 Requirements

SUBPART G: FINANCIAL RESPONSIBILITY FOR CLASS I
HAZARDOUS WASTE INJECTION WELLS

Section

704.210 Applicability
 704.211 Definitions
 704.212 Cost Estimate for Plugging and Abandonment
 704.213 Financial Assurance for Plugging and Abandonment
 704.214 Trust Fund
 704.215 Surety Bond Guaranteeing Payment
 704.216 Surety Bond Guaranteeing Performance
 704.217 Letter of Credit
 704.218 Plugging and Abandonment Insurance
 704.219 Financial Test and Corporate Guarantee
 704.220 Multiple Financial Mechanisms
 704.221 Financial Mechanism for Multiple Facilities
 704.222 Release of the Owner or Operator
 704.230 Incapacity
 704.240 Wording of the Instruments

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: ISSUED PERMITS

Section

704.260 Transfer
 704.261 Modification
 704.262 Causes for Modification
 704.263 Well Siting
 704.264 Minor Modifications

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027, as amended by P.A. 85-1048, effective January 1, 1989).

SOURCE: Adopted in R81-32, at 47 PCB 95, at 6 Ill. Reg. 12479, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19, at 7 Ill. Reg. 14402, effective as noted in 35 Ill. Adm. Code 700.106; amended in R83-39, at 55 PCB 319, at 7 Ill. Reg. 17338, effective December 19, 1983; amended in R85-23 at 10 Ill. Reg. 13290, effective July 29, 1986; amended in R87-29 at 12 Ill. Reg. 6687, effective March 28, 1988; amended in R88-2 at 12 Ill. Reg. 13700, effective August 16, 1988; amended in R88-17 at 13 Ill. Reg. 478, effective February 20, 1990.

SUBPART D: APPLICATION FOR PERMIT

Section 704.161 Application for Permit; Authorization by permit

- a) Permit application. Except for owners or operators authorized by rule, all underground injections are prohibited unless authorized by permit. Persons currently authorized by rule must still apply for a permit as specified in subsection (b) unless the authorization was for a Class V well under Section 704.146. Rules authorizing well injections for which permit applications have been submitted shall lapse for a particular well injection or project upon the effective date of the permit or permit denial that well injection or project. Procedures for application issuance and administration of emergency permits are found exclusively in Section 704.163. A RCRA permit applying the standards of 35 Ill. Adm. Code 724.Subpart X will constitute a UIC permit for hazardous waste injection wells for which the technical standards in 35 Ill. Adm. Code 724 are not generally appropriate.

BOARD NOTE: Derived from 40 CFR 144.31(a) (1987), as amended at 52 Fed. Reg. 46963, December 10, 1987.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

injection for which a permit is or will be required shall submit an application to the Agency as follows:

- 1) For existing wells:
 - A) Within 180 days after the Agency notifies such person that an application is required; or
 - B) If the waste being injected into the well is a hazardous waste accompanied by a manifest or delivery document, by August 1, 1984; or
 - C) Except as otherwise provided in subsections (b)(1)(A) and (b)(1)(B), by February 1, 1986.
- 2) For new injection wells, except new wells in projects authorized under Section 704.141 or covered by an existing area permit under Section 704.162(c), a reasonable time before construction is expected to begin.

BOARD NOTE: Derived from 40 CFR 144.31(c) (~~1987~~)(1988).

- c) Contents of UIC application. The applicant shall demonstrate that the underground injection will not endanger drinking water sources. The form and content of the UIC permit application may be prescribed by the Agency including the materials required by 35 Ill. Adm. Code 702.123.

- d) Information requirements for Class I hazardous waste injection wells.

- 1) The following information is required for each active Class I hazardous waste injection well at a facility seeking a UIC permit:
 - A) Dates well was operated.
 - B) Specification of all wastes which have been injected into the well, if available.

- 2) The owner or operator of any facility containing one or more active hazardous waste injection wells must submit all available information pertaining to any release of hazardous waste or constituents from any active hazardous waste injection well at the facility.

- 3) The owner or operator of any facility containing one or more active Class I hazardous waste injection wells must conduct

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

such preliminary site investigations as are necessary to determine whether a release is occurring, has occurred or is likely to have occurred.

BOARD NOTE: Derived from 40 CFR 144.31(g) (~~1987~~)(1988).

- e) In addition to the materials required by 35 Ill. Adm. Code 702.123, the applicant shall identify and submit on a list with the permit application the names and addresses for all owners of record of land within one-quarter mile (401 meters) of the facility boundary. This requirement may be waived by the Agency where the site is located in a populous area such that the requirement would be impracticable.

BOARD NOTE: Derived from 40 CFR 144.31(e)(9) (~~1987~~)(1988).

(Source: Amended at 14 Ill. Reg. 3116, effective Feb. 20, 1990)

SUBPART E: PERMIT CONDITIONS

Section 704.181 Additional Conditions

The following conditions in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152 apply to all UIC permits and shall be incorporated into all permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit.

- a) In addition to 35 Ill. Adm. Code 702.141 (duty to comply): the permittee need not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in a temporary emergency permit under Section 704.163.

BOARD NOTE: Derived from 40 CFR 144.51(a) (~~1987~~)(1988).

- b) In addition to 35 Ill. Adm. Code 702.150(b) (monitoring and records): the permittee shall retain records concerning the nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under Section 704.188 or under 35 Ill. Adm. Code 730.Subpart G, as appropriate. The owner or operator shall continue to retain the records after the three year retention period unless the owner or operator delivers the records to the Agency or obtains written approval from the Agency to discard the records.

BOARD NOTE: Derived from 40 CFR 144.51(j)(2)(ii) (1988), as amended at 53 Fed. Reg. 28147, July 26, 1988.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) In addition to 35 Ill. Adm. Code 702.152(a) (notice of planned changes): except for all new wells authorized by an area permit under Section 704.162(c), a new injection well may not commence injection until construction is complete, and
- 1) The permittee has submitted notice of completion of construction to the Agency; and
- 2) Inspection Review
- A) The Agency has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or
- B) The permittee has not received notice from the Agency of its intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in subsection (c)(1), in which case prior inspection or review is waived and the permittee may commence injection. The Agency shall include in its notice a reasonable time period in which it will inspect the well.

BOARD NOTE: Derived from 40 CFR 144.51(m) ~~(1987)~~ (1988).

d) Reporting Noncompliance

- 1) Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment, including:
- A) Any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW.
- B) Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs.
- 2) Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times and, if

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the noncompliance has not been corrected, the anticipated time is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance of the noncompliance.

BOARD NOTE: Derived from 40 CFR 144.51(l)(6) ~~(1987)~~ (1988).

- e) The permittee shall notify the Agency at such times as the permit requires before conversion or abandonment of the well or, in the case of area permits, before closure of the project.

BOARD NOTE: Derived from 40 CFR 144.51(n) ~~(1987)~~ (1988).

- f) Plugging and abandonment report. Within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator shall submit a report to the Agency. If the quarterly report is due less than 15 days before completion of plugging, then the report shall be submitted within 60 days. The report shall be certified as accurate by the person who performed the plugging operation. Such report shall consist of either:

- 1) A statement that the well was plugged in accordance with the plan previously submitted to the Agency;
- 2) Where actual plugging differed from the plan previously submitted, an updated version of the plan on the form supplied by the Agency specifying the differences.

BOARD NOTE: Derived from 40 CFR 144.51(o) ~~(1987)~~ (1988).

- g) Mechanical integrity demonstration. The Agency by written notice may require the owner or operator to comply with a schedule describing when mechanical integrity demonstrations must be made.

BOARD NOTE: Derived from 40 CFR 144.51(p) ~~(1987)~~ (1988).

(Source: Amended at 14 Ill. Reg. 3116, effective Feb. 20, 1990)

SUBPART H: ISSUED PERMITS

Section 704.260 Transfer

- a) Transfer by modification. Except as provided in subsection (b), a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or reissued (under Sections 704.261 through 704.264) to identify the new permittee

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and incorporate such other requirements as may be necessary under the appropriate Act. The new owner or operator to whom the permit is transferred shall comply with all the terms and conditions specified in such permit.

- b) Automatic transfers. As an alternative to transfers under subsection (a), any UIC permit for a well not injecting hazardous waste may be automatically transferred to a new permittee if:

- 1) The current permittee notifies the Agency at least 30 days in advance of the proposed transfer date in subsection (b)(2);
- 2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them and the notice demonstrates that the financial responsibility requirements of Section 704.189 will be met by the new permittee and that the new permittee agrees to comply with all the terms and conditions specified in the permit to be transferred under subsection (b); and
- 3) The Agency does not notify the existing permittee and the proposed new permittee of its intent to modify or reissue the permit. A modification under this subsection may also be a minor modification under Section 704.264. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in subsection (b)(2).

BOARD NOTE: Formerly codified as 35 Ill. Adm. Code 702.182. Derived from 40 CFR 144.38 (1988).

(Source: Added at 14 Ill. Reg. 3116, effective Feb. 20, 1990)

Section 704.261 Modification

When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see 35 Ill. Adm. Code 702.140 through 702.152), receives a request for modification or reissuance or conducts a review of the permit file), it may determine whether or not one or more of the causes listed in Sections 704.262 and 704.263 for modification or reissuance exist. If cause exists, the Agency may modify or reissue the permit accordingly, subject to the limitations of Sec. 704.263 and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If cause does not exist under Sections 704.261 through 704.264, the Agency shall not modify or reissue the permit. If a permit modification satisfies

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the criteria in Sec. 704.264 for "minor modifications" the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in 35 Ill. Adm. Code 705 followed.

BOARD NOTE: Formerly codified as 35 Ill. Adm. Code 702.183. Derived from 40 CFR 144.39.

(Source: Added at 14 Ill. Reg. 3116, effective Feb. 20, 1990.)

Section 704.262 Causes for Modification

- a) The following are causes for modification of permits. For Class I hazardous waste injection wells or Class III wells, the following may be causes for reissuance as well as modification. For all other wells the following may be cause for reissuance as well as modification when the permittee requests or agrees:

- 1) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.
- 2) Information. Permits other than for UIC Class III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance or test methods) and would have justified the application of different permit conditions at the time of issuance. For UIC area permits this cause shall include any information indicating that cumulative effects on the environment are unacceptable.
- 3) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations or by judicial decision after the permit was issued. Permits other than for UIC Class I hazardous wells or Class III wells may be modified during their terms for this cause only as follows:

- A) The Agency may modify the permit when standards or regulations on which the permit was based have been changed by statute or amended standards or regulations.
- B) The Permittee may request modification when:
 - i) The permit condition requested to be modified

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

was based on a promulgated 35 Ill. Adm. Code 730 regulation; and

iii) The Board has revised, withdrawn or modified that portion of the regulation on which the permit condition was based; and

iiii) A permittee requests modification in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days after Illinois Register notice of the rulemaking on which the request is based.

c) For judicial decisions, a court of competent jurisdiction has remanded and stayed Board promulgated regulations, if the remand and stay concern that portion of the regulations on which the permit condition was based or if a request is filed by the permittee in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days of judicial remand.

4) Compliance schedules. The Agency determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

b) The following are causes to modify or, alternatively, reissue a permit:

1) The Agency has received notification (as required in the permit, see Section 702.152(c)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (Section 702.182(b)), but will not be reissued after the effective date of the transfer except upon the request of the new permittee.

2) A determination that the waste being injected is a hazardous waste as defined in 35 Ill. Adm. Code 721.103 either because the definition has been revised, or because a previous determination has been changed.

BOARD NOTE: Formerly codified as 35 Ill. Adm. Code 702.184. Derived from 40 CFR 144.39, as amended at 53 Fed. Reg. 28147, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3116, effective Feb. 20, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 704.263 Well Siting

Suitability of the well location will not be considered at the time of permit modification unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance or unless required under the Environmental Protection Act. However, certain modifications may require site location suitability approval pursuant to Section 39.2 of the Environmental Protection Act.

BOARD NOTE: Formerly codified as 35 Ill. Adm. Code 702.185. Derived from 40 CFR 144.39 (1988).

(Source: Added at 14 Ill. Reg. 3116, effective Feb. 20, 1990)

Section 704.264 Minor Modifications

Upon the consent of the permittee, the Agency may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this Section, without following the procedures of 35 Ill. Adm. Code 705. Any permit modification not processed as a minor modification under this Section must be made for cause and with a 35 Ill. Adm. Code 705 draft permit and public notice as required in Sections 704.261 through 704.263. Minor modifications may only:

a) Correct typographical errors;

b) Require more frequent monitoring or reporting by the permittee;

c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

d) Allow for a change in ownership or operational control of a facility where the Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between the current and new permittees has been submitted to the Agency.

e) Limited Changes:

1) Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the Agency, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) Change construction requirements approved by the Agency pursuant to 35 Ill. Adm. Code 704.182 (establishing UIC permit conditions), provided that any such alteration shall comply with the requirements of this Part and 35 Ill. Adm. Code 704 and 730.
- 3) Amend a plugging and abandonment plan which has been updated under 35 Ill. Adm. Code 704.181(e).

BOARD NOTE: Derived from 40 CFR 144.41 (1988)

(Source: Added at 14 Ill. Reg. 3116, effective Feb. 20, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part:

UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

- 2) Code Citation: 35 Ill. Adm. Code 730

- 3) Section Numbers: Adopted Action:

730.101	Amendments
730.103	Amendments
730.111	Amendments
730.113	Amendments
730.161	New Section
730.162	New Section
730.163	New Section
730.164	New Section
730.165	New Section
730.166	New Section
730.167	New Section
730.168	New Section
730.169	New Section
730.170	New Section
730.171	New Section
730.172	New Section
730.173	New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987 and 1988 Supp., ch. 111 1/2, pars. 1013, 1022.4 and 1027.

- 5) Effective Date of Amendments: February 20, 1990

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Do these amendments contain incorporations by reference? No.

- 8) Date filed in Board's Principal Office: Order adopted January 25, 1990.

- 9) Notice of Proposal Published in Illinois Register:

November 27, 1989, 13 Ill. Reg. 18139

- 10) Has JCAR issued a Statement of Objections to these rules? No.

Section 13(c) of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013(c)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, the Board did make revisions to the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

text of the amendments in response to public comments submitted by JCAR.

11) Differences between proposal and final version:

Minor editorial differences. The Board made several revisions to the text of the amendments in response to public comments. They are discussed in detail in the Board's Opinion of January 25, 1990 in Docket R89-2. These revisions include corrections to definitions, addition of subsection headings, correction of a misspelling, and addition of the State Department of Public Health as an entity which must receive notice of closure of injection wells under certain circumstances.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, the Board did make revisions to the text of the amendments in response to public comments submitted by JCAR.

13) Will these amendments replace an emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of January 25, 1990 in R89-2, which opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period July 1, 1988 through December 31, 1988. In brief, the amendments include an amendment to the recitation of the effective date; amendments to definitions, a new requirement for ambient monitoring; and various new requirements applicable to Class I hazardous waste injection wells involving operation, monitoring, reporting, closure, post-closure care, and financial responsibility.

16) Information and questions regarding this adopted amendments shall be directed to:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Michael J. McCambridge
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100 W. Randolph 11-500
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312-814-6924

The full text of the Adopted Amendments begins on the next page.

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND STORAGE TANK PROGRAMS

PART 730

UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

SUBPART A: GENERAL

Section
730.101
730.102
730.103
730.104
730.105
730.106
730.107
730.108
730.109
730.110

Applicability, Scope and Effective Date
Laws Authorizing Regulations
Definitions
Criteria for Exempted Aquifers
Classification of Injection Wells
Area of Review
Corrective Action
Mechanical Integrity
Criteria for Establishing Permitting Priorities
Plugging and Abandoning Class I and III Wells

SUBPART 8: CRITERIA AND STANDARDS APPLICABLE
TO CLASS I NON-HAZARDOUS WELLS

Section
730.111
730.112
730.113
730.114

Applicability
Construction Requirements
Operating, Monitoring and Reporting Requirements
Information to be Considered by Agency

SUBPART C: CRITERIA AND STANDARDS APPLICABLE
TO CLASS II WELLS

Section
730.121

Adoption of Criteria and Standards Applicable to Class II Wells by the Illinois Department of Mines and Minerals

SUBPART D: CRITERIA AND STANDARDS APPLICABLE
TO CLASS III WELLS

Section
730.131
730.132
730.133
730.134

Applicability
Construction Requirements
Operating, Monitoring and Reporting Requirements
Information to be Considered by the Agency

SUBPART F: CRITERIA AND STANDARDS APPLICABLE
TO CLASS V INJECTION WELLS

Section
730.151
730.152

Applicability
Inventory and Assessment

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I
HAZARDOUS WELLS

Section
730.161
730.162
730.163
730.164
730.165
730.166
730.167
730.168
730.169
730.170
730.171
730.172
730.173

Applicability and Definitions
Minimum Criteria for Siting
Area of Review
Correction Action for Wells in the Area of Review
Construction Requirements
Logging, Sampling and Testing Prior to New Well Operation
Operating Requirements
Testing and Monitoring Requirements
Reporting Requirements
Information to be Evaluated by the Director
Closure
Post-Closure Care
Financial Responsibility for Post-Closure Care

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987 and 1988 Supp. ch. 111 1/2, pars. 1013, 1022.4 and 1027).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12,479, effective as, noted in 35 Ill. Adm. Code 700.106; amended in R82-19, 53 PCB 131 at 7 Ill. Reg. 14426 effective as noted in 35 Ill. Adm. Code 700.106; recodified at 10 Ill. Reg. 14174; amended in R89-2 at 14 Ill. Reg. 3130, effective February 20, 1990.

SUBPART A: GENERAL

Section 730.101 Applicability, Scope and Effective Date

a)

This Part sets forth technical criteria and standards for the Underground Injection Control (UIC) Program. This Part should be read in conjunction with 35 Ill. Adm. Code 702, 704 and 705 which also apply to the UIC program. 35 Ill. Adm. Code 702 and 704 prescribe the regulatory requirements for the UIC permit program. 35 Ill. Adm. Code 705 describes the procedures the Illinois Environmental Protection Agency (Agency) will use for issuing UIC permits.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) On and after the date of approval by the United States Environmental Protection Agency (USEPA) of the Illinois UIC program February 1, 1984, any underground injection which is not authorized by rule or by permit is unlawful.

(Source: Amended at 14 Ill. Reg. 3130, effective Feb. 20, 1990)

Section 730.103 Definitions

The following definitions apply to the underground injection control program.

"Abandoned well" means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, (P.L. 94-580, as amended by P.L. 95-609, as amended 42 U.S.C. 6901.)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or his the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit, including any additions, revisions or modifications to the forms. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 et seq. (contents of Part B of the RCRA application).

"Aquifer" means a geological formation, group of formations or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" means the area surrounding an "injection well" described according to the criteria set forth in Section 730.106 or, in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in Section 730.106.

"Casing" means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground or to prevent water gas or other fluid from

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

entering or leaving the hole.

"Catastrophic collapse" means the sudden and utter failure of overlying "strata" caused by removal of underlying materials.

"Cementing" means the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.

"Confining bed" means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

"Confining zone" means a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

"Conventional mine" means an open pit or underground excavation for the production of minerals.

"Date of approval by USEPA of the Illinois UIC program" means the date on which USEPA delegates primary for the UIC program for Class I, III, IV and V wells to the State of Illinois pursuant to Section 1422 of the "SWDA" and 40 CFR 123 February 1, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or his the Administrator's designee.

"Disposal well" means a well used for the disposal of waste into a subsurface stratum.

"Effective date of the UIC program" means the date of approval by USEPA of the Illinois UIC program February 1, 1984.

"Environmental Protection Act" means the Environmental Protection Act (Ill. Rev. Stat. 1981-1987 and 1988 Supp. ch. 111 1/2, par. 1001 et seq.), as amended.

"EPA" means the United States Environmental Protection Agency.

"Exempted aquifer" means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures of 35 Ill. Adm. Code 704.123, 704.104 and 702.105.

"Existing injection well" means an "injection well" other than a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"new injection well."

"Experimental technology" means a technology which has not been proven feasible under the conditions in which it is being tested.

"Facility or activity" means any "HWM facility," UIC "injection well" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the "State" RCRA or UIC program.

"Fault" means a surface or zone of rock fracture along which there has been displacement.

"Flow rate" means the volume per unit time of the flow of a gas or other fluid substance which emerges from an orifice, pump or turbine or which passes along a conduit or channel.

"Fluid" means material or substance which flows or moves whether in a semisolid, liquid sludge, gas or any other form or state.

"Formation" means a body of rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" means "fluid" present in a "formation" under natural conditions as opposed to introduced fluids, such as drilling mud.

"Generator" means any person, by site location, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous Waste Management facility" ("HWM facility") means all contiguous land, and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units (for example, one or more landfills, surface impoundments or combination of them).

"HWM facility" means "Hazardous Waste Management facility."

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"Illinois" means the State of Illinois.

"Injection well" means a "well" into which "fluids" are being injected.

"Injection zone" means a geological "formation," group of formations or part of a formation receiving fluids through a well.

"Lithology" means the description of rocks on the basis of their physical and chemical characteristics.

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under the RCRA, UIC, Environmental Protection Act ~~or 404 programs~~.

"Packer" means a device lowered into a well which can be expanded to produce a fluid-tight seal.

"Permit" means an authorization, license or equivalent control document issued by the Agency to implement the requirements of this Part and 35 Ill. Adm. Code 702 through 705. Permit does not include RCRA interim status, (35 Ill. Adm. Code 703, Subpart C), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704), or any permit which has not yet been the subject of final Agency action, such as a "draft permit" or a "proposed permit."

"Plugging" means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

"Plugging record" means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations which are sealed and a graphic log of the well showing formation location, formation thickness and location of plugging structures.

"Pressure" means the total load or force per unit area acting on a surface.

"Project" means a group of wells in a single operation.

"Radioactive Waste" means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"RCRA" means ~~the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580, as amended by Pub. L. 95-609, 42 U.S.C. 6901, "Act").~~

"SDWA" means the Safe Drinking Water Act (Pub. L. 95-523, as amended by P.L. 95-190, 42 U.S.C. 300(f)).

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Sole or principal source aquifer" means an aquifer which has been designated by the Administrator pursuant to Sections 1424(a) or (3) of the SDWA.

"State" means the State of Illinois.

"Stratum" (plural strata) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Subsidence" means the lowering of the natural land surface in response to: earth movements; lowering of fluid pressure, removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (Hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.

"Surface casing" means the first string of well casing to be installed in the well.

"Total dissolved solids" ("TDS") means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

"UIC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including the approved Illinois program.

"Underground injection" means a "well injection."

"Underground source of drinking water" ("USDW") means an "aquifer" or its portion:

Which supplies any public water system; or

Which contains a sufficient quantity of groundwater to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

supply a public water system; and

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/±L total dissolved solids; and

Which is not an exempted "aquifer".

"USDW" means "underground source of drinking water."

"Well" means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

"Well injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

"Well monitoring" means the measurement, by on-site instruments or laboratory methods, of the quality of water in a well.

"Well plug" means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.

"Well stimulation" means several processes used to clean the well bore, enlarge channels and increase pore space in the interval to be injected thus making it possible for wastewater to move more readily into the formation, and includes surging, jetting, blasting, acidizing and hydraulic fracturing.

BOARD NOTE: Derived from 40 CFR 146.3 (1988).

(Source: Amended at 14 Ill. Reg. 3130, effective Feb. 20, 1990)

SUBPART B: CRITERIA AND STANDARDS APPLICABLE TO
CLASS I NON-HAZARDOUS WELLS

Section 730.111 Applicability

This Subpart establishes criteria and standards for underground injection control programs to regulate Class I non-hazardous wells.

BOARD NOTE: Derived from 40 CFR 146.11 (1988), as amended at 53 Fed. Reg. 28148, July 26, 1988.

(Source: Amended at 14 Ill. Reg. 3130, effective Feb. 20, 1990)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 730.113 Operating, Monitoring and Reporting

Requirements

- a) Operating Requirements. Operating requirements shall, at a minimum, specify that:
- 1) Except during stimulation, injection pressure at the wellhead shall not exceed a maximum which shall be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case shall injection pressure initiate fractures in the confining zone or cause the movement of injection or formation fluids into an underground source of drinking water.
 - 2) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited.
 - 3) Unless an alternative to a packer has been approved under Section 730.112(c), the annulus between the tubing and the long string of casings shall be filled with a fluid approved by the Agency-permit condition, and a pressure, ~~also approved by the Agency~~, prescribed by permit condition shall be maintained on the annulus.
- b) Monitoring Requirements. Monitoring requirements shall, at a minimum, include:
- 1) The analysis of the injected fluids with sufficient frequency to yield representative data of their characteristics;
 - 2) Installation and use of continuous recording devices to monitor injection pressure, flow rate and volume, and the pressure on the annulus between the tubing and the long string of casing;
 - 3) A demonstration of mechanical integrity pursuant to Section 730.108 at least once every five years during the life of the well; and
 - 4) The type, number and location of wells within the area of review to be used to monitor any migration of fluids into and pressure in the underground sources of drinking water, the parameters to be measured and the frequency of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

monitoring.

- c) Reporting Requirements. Reporting requirements shall, at a minimum, include:
- 1) Quarterly reports to the Agency on:
 - A) The physical, chemical and other relevant characteristics of injection fluids;
 - B) Monthly average, maximum and minimum values for injection pressure, flow rate and volume, and annular pressure; and
 - C) The results of monitoring prescribed under subsection (b)(4).
 - 2) Reporting the results, with the first quarterly report after the completion of:
 - A) Periodic tests of mechanical integrity;
 - B) Any other test of the injection well conducted by the permittee if required by the Agency-permit condition; and
 - C) Any well work over.
- d) Ambient monitoring.
- 1) Based on a site-specific assessment of the potential for fluid movement from the well or injection zone and on the potential value of monitoring wells to detect such movement, the Agency shall require the owner or operator to develop a monitoring program. At a minimum, the Agency shall require monitoring of the pressure buildup in the injection zone annually, including at a minimum, a shut down of the well for a time sufficient to conduct a valid observation of the pressure fall-off curve.
 - 2) When prescribing a monitoring system the Agency may also require:
 - A) Continuous monitoring for pressure changes in the first aquifer overlying the confining zone. When such a well is installed, the owner or operator shall, on a quarterly basis, sample the aquifer and analyze for constituents specified by permit

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

condition:

B) The use of indirect, geophysical techniques to determine the position of the waste front, the water quality in a formation designated by permit condition or to provide other site-specific data;

C) Periodic monitoring of the ground water quality in the first aquifer overlying the injection zone;

D) Periodic monitoring of the ground water quality in the lowermost USDW; and

E) Any additional monitoring necessary to determine whether fluids are moving into or between USDWs.

BOARD NOTE: Derived from 40 CFR 146.13 (1988), as amended at 53 Fed. Reg. 28148, July 26, 1988.

(Source: Amended at 14 Ill. Reg. 3130, effective Feb. 20, 1990.)

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I HAZARDOUS WELLS

Section 730.161 Applicability and Definitions

a) This Subpart establishes criteria and standards for underground injection control programs to regulate Class I hazardous waste injection wells. Unless otherwise noted, this Subpart supplements the requirements of Subpart A and applies instead of Subpart B to Class I hazardous waste injection wells.

b) Definitions

"Cone of influence" means that area around the well within which increased injection zone pressures caused by injection into the hazardous waste injection well would be sufficient to drive fluids into a USDW.

"Existing well" means a Class I well which had a UIC permit or UIC permit by rule prior to August 25, 1988 or a well which has become a Class I well as a result of a change in the definition of the injected waste which would render the waste hazardous under 35 Ill. Adm. Code 721.103.

"Injection interval" means that part of the injection zone in which the well is screened, or in which the waste is otherwise directly emplaced.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

"New well" means any Class I hazardous waste injection well which is not an existing well.

"Transmissive fault or fracture" is a fault or fracture that has sufficient permeability and vertical extent to allow fluids to move between formations.

BOARD NOTE: Derived from 40 CFR 146.61, as added at 53 Fed. Reg. 28148, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130, effective Feb. 20, 1990.)

Section 730.162 Minimum Criteria for Siting

a) All Class I hazardous waste injection wells must be sited such that they inject into a formation that is beneath the lowermost formation containing, within 402 meters (1/4 mile) of the well bore, a USDW.

b) The siting of Class I hazardous waste injection wells shall be limited to areas that are geologically suitable. The Agency shall determine geologic suitability based upon:

1) An analysis of the structural and stratigraphic geology, the hydrogeology and the seismicity of the region;

2) An analysis of the local geology and hydrogeology of the well site, including, at a minimum, detailed information regarding stratigraphy, structure and rock properties, aquifer hydrodynamics and mineral resources; and

3) A determination that the geology of the area can be described confidently and that limits of waste fate and transport can be accurately predicted through the use of models.

c) Class I hazardous waste injection wells shall be sited such that:

1) The injection zone has sufficient permeability, porosity, thickness and area extent to prevent migration of fluids into USDWs; and

2) The confining zone:

A) Is laterally continuous and free of transecting, transmissive faults or fractures over an area sufficient to prevent the movement of fluids into a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

USDW; and

- B1. Contains at least one formation of sufficient thickness and with lithologic and stress characteristics capable of preventing vertical propagation of fractures.

d1. The owner or operator shall demonstrate to the Agency that:

- 1) The confining zone is separated from the base of the lowermost USDW by at least one sequence of permeable and less permeable strata that will provide an added layer of protection for the USDW in the event of fluid movement in an unlocated borehole or transmissive fault; or
- 2) Within the area of review, the piezometric surface of the fluid in the injection zone is less than the piezometric surface of the lowermost USDW, considering density effects, injection pressures and any significant pumping in the overlying USDW; or
- 3) There is no USDW present.
- 4) The owner or operator of a site which does not meet the requirements in subsection (d)(1), (d)(2), or (d)(3) may petition the Board for an adjusted standard pursuant to 35 Ill. Adm. Code 106.Subpart G. The Board may grant an adjusted standard approving such a site if it determines that because of site geology, nature of the wastes involved, or other considerations, abandoned boreholes or other conduits would not cause an endangerment of USDWs. A petition for an adjusted standard under this subsection must include the following components:
 - A) Those portions of a permit application for the particular injection activities and site which are relevant to the Board's determination; and
 - B1. Such other relevant information that the Board may by order require pursuant to 35 Ill. Adm. Code 106.705(1).

BOARD NOTE: Derived from 40 CFR 146.62, as added at 53 Fed. Reg. 2814B, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130, effective Feb. 20, 1990.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 730.163 Area of Review

For the purposes of Class I hazardous waste injection wells, this Section applies instead of Section 730.106. The area of review for Class I hazardous waste wells shall be a 2-mile radius around the well bore. The Agency may specify by permit condition a larger area of review in the UIC permit based on the calculated cone of influence of the well.

BOARD NOTE: Derived from 40 CFR 146.63, added at 53 Fed. Reg. 2814B, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130, effective Feb. 20, 1990.)

Section 730.164 Corrective Action for Wells in the Area of Review

For the purposes of Class I hazardous waste injection wells, this Section applies instead of 35 Ill. Adm. Code 704.193 and Section 730.107.

a) The owner or operator of a Class I hazardous waste well shall, as part of the permit application, submit a plan to the Agency outlining the protocol used to:

- 1) Identify all wells penetrating the confining zone or injection zone within the area of review; and
- 2) Determine whether wells are adequately completed or plugged.
- b) The owner or operator of a Class I hazardous waste well shall identify the location of all wells within the area of review that penetrate the injection zone or the confining zone and shall submit as required in Section 730.170(a):
 - 1) A tabulation of all wells within the area of review that penetrate the injection zone or the confining zone; and
 - 2) A description of each well or type of well and any records of its plugging or completion.

c) For wells that the Agency determines are improperly plugged, completed or abandoned, or for which plugging or completion information is unavailable, the applicant shall also submit a plan consisting of such steps or modification as are necessary to prevent movement of fluids into or between USDWs. Where the plan is adequate, the Agency shall incorporate it into the permit as a condition. Where the Agency's review of an application indicates the permittee's plan is inadequate (based at a minimum on the factors in subsection (e)), the Agency shall:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Require the applicant to revise the plan.
- 2) Prescribe a plan for corrective action as a condition of the permit; or
- 3) Deny the application.

d) Requirements:

- 1) Existing injection wells. Any permit issued for an existing Class I hazardous waste injection well requiring corrective action other than pressure limitations must include a compliance schedule under 35 Ill. Adm. Code 702.162 requiring any corrective action accepted or prescribed under subsection (c). Any such compliance schedule must provide for compliance no later than 2 years following issuance of the permit and must require observance of appropriate pressure limitations under subsection (d)(3) until all other corrective action measures have been implemented.

- 2) New injection wells. No owner or operator of a new Class I hazardous waste injection well may begin injection until all corrective actions required under this Section have been taken.

- 3) The Agency may require pressure limitations instead of plugging. If pressure limitations are used instead of plugging, the Agency shall require as a permit condition that injection pressure be limited so that pressure in the injection zone at the site of any improperly completed or abandoned well within the area of review would not be sufficient to drive fluids into or between USDWs. This pressure limitation shall satisfy the corrective action requirements. Alternatively, such injection pressure limitation may be made part of a compliance schedule under 35 Ill. Adm. Code 702.162 and may be required to be maintained until all other required corrective actions have been implemented.

- e) The Agency shall consider the following criteria and factors in determining the adequacy of corrective action proposed by the applicant under subsection (c) and in determining the additional steps needed to prevent fluid movement into and between USDWs:

- 1) Nature and volume of injected fluid;
- 2) Nature of native fluids or byproducts of injection;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) Geology;
- 4) Hydrology;
- 5) History of the injection operation;
- 6) Completion and plugging records;
- 7) Closure procedures in effect at the time the well was closed;
- 8) Hydraulic connections with USDWs;
- 9) Reliability of the procedures used to identify abandoned wells; and
- 10) Any other factors which might affect the movement of fluids into or between USDWs.

BOARD NOTE: Derived from 40 CFR 146.64, as added at 53 Fed. Reg. 28149, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130, effective Feb. 20, 1990.)

Section 730.165 Construction Requirements

- a) General. All existing and new Class I hazardous waste injection wells shall be constructed and completed to:
 - 1) Prevent the movement of fluids into or between USDWs or into any unauthorized zones;
 - 2) Permit the use of appropriate testing devices and workover tools; and
 - 3) Permit continuous monitoring of injection tubing and long string casing as required pursuant to Section 730.167(f).
- b) Compatibility. All well materials must be compatible with fluids with which the materials may be expected to come into contact. The owner or operator shall employ any compatibility testing method specified by permit condition. The owner or operator may otherwise refer to "Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells," EPA 570/9-87-002, incorporated by reference at 35 Ill. Adm. Code 770.111.
- c) Casing and Cementing New Wells.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Casing and cement used in the construction of each newly drilled well shall be designed for the life expectancy of the well, including the post-closure care period. The casing and cementing program shall be designed to prevent the movement of fluids into or between USDWs, and to prevent potential leaks of fluids from the well. The Agency shall consider the following information as required by Section 730.170 in determining and specifying casing and cementing requirements:
- A) Depth to the injection zone;
 - B) Injection pressure, external pressure, internal pressure and axial loading;
 - C) Hole size;
 - D) Size and grade of all casing strings (well thickness, diameter, nominal weight, length, joint specification and construction material);
 - E) Corrosiveness of injected fluid, formation fluids and temperature;
 - F) Lithology of injection and confining zones;
 - G) Type or grade of cement; and
 - H) Quantity and chemical composition of the injected fluid.
- 2) One surface casing string must, at a minimum, extend into the confining bed below the lowest formation that contains a USDW and be cemented by circulating cement from the base of the casing to the surface, using a minimum of 120% of the calculated annular volume. The Agency may require more than 120% when the geology or other circumstances warrant it.
- 3) At least one long string casing, using a sufficient number of centralizers, must extend to the injection zone and must be cemented by circulating cement to the surface in one or more stages:
- A) Of sufficient quantity and quality to withstand the maximum operating pressure; and
 - B) In a quantity no less than 120% of the calculated

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

volume necessary to fill the annular space. The Agency shall require more than 120% when the geology or other circumstances warrant it.

- 4) Circulation of cement may be accomplished by staging. The Agency may approve an alternative method of cementing in cases where the cement cannot be recirculated to the surface, provided the owner or operator can demonstrate by using logs that the cement is continuous and does not allow fluid movement behind the well bore.
- 5) Casings, including any casing connections, must be rated to have sufficient structural strength to withstand, for the design life of the well:
 - A) The maximum burst and collapse pressures which may be experienced during the construction, operation and closure of the well; and
 - B) The maximum tensile stress which may be experienced at any point along the length of the casing during the construction, operating, and closure of the well.
- 6) At a minimum, cement and cement additives must be of sufficient quality and quantity to maintain integrity over the design life of the well.
- d) Tubing and packer.
 - 1) All Class I hazardous waste injection wells must inject fluids through tubing with a packer set at a point specified by permit condition.
 - 2) In determining and specifying requirements for tubing and packer, the following factors must be considered:
 - A) Depth of setting;
 - B) Characteristics of injection fluid (chemical content, corrosiveness, temperature and density);
 - C) Injection pressure;
 - D) Annular pressure;
 - E) Rate (intermittent or continuous), temperature and volume of injected fluid;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- F1 Size of casing; and
- G1 Tubing tensile, burst, and collapse strengths.
- 31) The Agency may approve the use of a fluid seal if it determines that the following conditions are met:
- A1 The operator demonstrates that the seal will provide a level of protection comparable to a packer;
- B1 The operator demonstrates that the staff is, and will remain, adequately trained to operate and maintain the well and to identify and interpret variations in parameters of concern;
- C1 The permit contains specific limitations on variations in annular pressure and loss of annular fluid;
- D1 The design and construction of the well allows continuous monitoring of the annular pressure and mass balance of annular fluid; and
- E1 A secondary system is used to monitor the interface between the annulus fluid and the injection fluid and the permit contains requirements for testing the system every three months and recording the results.

BOARD NOTE: Derived from 40 CFR 146.65, added at 53 Fed. Reg. 28149, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130, effective Feb. 20, 1990.)

Section 730.166 Logging, Sampling, and Testing Prior to New Well Operation

- a) During the drilling and construction of a new Class I hazardous waste injection well, the owner or operator shall run appropriate logs and tests to determine or verify the depth, thickness, porosity, permeability, rock type and the salinity of any entrained fluids in, all relevant geologic units to assure conformance with performance standards in Section 730.165 and to establish accurate baseline data against which future measurements may be compared. A descriptive report interpreting results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Agency. At a minimum, such logs and tests must include:
- 1) Deviation checks during drilling on all holes constructed by

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- drilling a pilot hole which is enlarged by reaming or another method. Such checks must be at sufficiently frequent intervals to determine the location of the borehole and to assure that vertical avenues for fluid movement in the form of diverging holes are not created during drilling; and
- 2) Such other logs and tests as may be needed after taking into account the availability of similar data in the area of the drilling site, the construction plan, and the need for additional information that may arise from time to time as the construction of the well progresses. At a minimum, the following logs must be required in the following situations:
- A1 Upon installation of the surface casing:
- i) Resistivity, spontaneous potential, and caliber logs before the casing is installed; and
- ii) A cement bond and variable density log, and a temperature log after the casing is set and cemented; and
- B1 Upon installation of the long string casing:
- i) Resistivity, spontaneous potential, porosity, caliper, gamma ray, and fracture finder logs before the casing is installed; and
- ii) A cement bond and variable density log, and a temperature log after the casing is set and cemented; and
- C1 The Agency shall allow the use of an alternative to the above logs when an alternative will provide equivalent or better information; and
- 3) A mechanical integrity test consisting of:
- A1 A pressure test with liquid or gas;
- B1 A radioactive tracer survey;
- C1 A temperature or noise log;
- D1 A casing inspection log, if required by permit condition; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

E1 Any other test required by permit condition.

- b1 Whole cores or sidewall cores of the confining and injection zones and formation fluid samples from the injection zone must be taken. The Agency may accept cores from nearby wells if the owner or operator can demonstrate that core retrieval is not possible and that such cores are representative of conditions at the well. The Agency may require the owner or operator to core other formations in the borehole.

- c1 The fluid temperature, pH, conductivity, pressure and the static fluid level of the injection zone must be recorded.

- d1 At a minimum, the following information concerning the injection and confining zones shall be determined or calculated for Class I hazardous waste injection wells:

- 1) Fracture pressure;
- 2) Other physical and chemical characteristics of the injection and confining zones; and
- 3) Physical and chemical characteristics of the formation fluids in the injection zone.

- e1 Upon completion, but prior to operation, the owner or operator shall conduct the following tests to verify hydrogeologic characteristics of the injection zone:

- 1) A pump test; or
- 2) Injectivity tests.

- f1 The Agency shall have the opportunity to witness all logging and testing required by this Subpart. The owner or operator shall submit a schedule of such activities to the Agency not less than 30 days prior to conducting the first test.

BOARD NOTE: Derived from 40 CFR 146.66, as added at 53 Fed. Reg. 28150, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130, effective Feb. 20, 1990)

Section 730.167 Operating Requirements.

- a1 Except during stimulation, the owner or operator shall assure that injection pressure at the wellhead does not exceed a maximum which shall be calculated so as to assure that the pressure in the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. The owner or operator shall assure that the injection pressure does not initiate fractures or propagate existing fractures in the confining zone, nor cause the movement of injection or formation fluids into a USDW.

- b1 Injection between the outermost casing protecting USDWs and the well bore is prohibited.
- c1 The owner or operator shall maintain an annulus pressure that exceeds the operating injection pressure, unless the Agency determines that such a requirement might harm the integrity of the well. The fluid in the annulus must be noncorrosive, or must contain a corrosion inhibitor.

- d1 The owner or operator shall maintain mechanical integrity of the injection well at all times.

- e1 Permit requirements for owners or operators of hazardous waste injection wells which inject wastes which have the potential to react with the injection formation to generate gases must include:

- 1) Conditions limiting the temperature, pH or acidity of the injected waste; and
- 2) Procedures necessary to assure that pressure imbalances which might cause a backflow or blowout do not occur.

- f1 The owner or operator shall install and use continuous recording devices to monitor: the injection pressure; the flow rate, volume, and temperature of injected fluids, and the pressure on the annulus between the tubing and the long string casing, and shall install and use:

- 1) Automatic alarm and automatic shut-off systems, designed to sound and shut-in the well when pressures and flow rates or other parameters specified by permit condition exceed a range or gradient specified in the permit; or
- 2) Automatic alarms, designed to sound when the pressures and flow rates or other parameters exceed a rate or gradient specified in the permit, in cases where the owner or operator certifies that a trained operator will be on-site at all times when the well is operating.

- g1 If an automatic alarm or shutdown is triggered, the owner or operator shall immediately investigate and identify the cause of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the alarm or shutoff without undue delay. If, upon such investigation, the well appears to be lacking mechanical integrity, or if monitoring required under subsection (f) otherwise indicates that the well may be lacking mechanical integrity, the owner or operator shall:

- 1) Stop injecting waste fluids unless authorized by permit condition to continue or resume injection;
- 2) Take all necessary steps to determine the presence or absence of a leak; and
- 3) Notify the Agency within 24 hours after the alarm or shutdown.

b) If a loss of mechanical integrity is discovered pursuant to subsection (a) or during periodic mechanical integrity testing, the owner or operator shall:

- 1) Immediately cease injection of waste fluids;
- 2) Take all steps reasonably necessary to determine whether there may have been a release of hazardous wastes or hazardous waste constituents into any unauthorized zone;
- 3) Notify the Agency within 24 hours after loss of mechanical integrity is discovered;
- 4) Notify the Agency when injection can be expected to resume; and
- 5) Restore and demonstrate mechanical integrity pursuant to Section 730.108 prior to resuming injection of waste fluids.

1) Whenever the owner or operator obtains evidence that there may have been a release of injected wastes into an unauthorized zone:

- 1) The owner or operator shall immediately cease injection of waste fluids, and:
 - A) Notify the Agency within 24 hours of obtaining such evidence;
 - B) Take all necessary steps to identify and characterize the extent of any release;
 - C) Comply with any remediation plan specified by permit condition;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

D) Implement any remediation plan specified by permit condition; and

E) Where such release is into a USDW currently serving as a water supply, place a notice in a newspaper of general circulation.

2) The Agency shall permit the operator to resume injection prior to completing cleanup action if the owner or operator demonstrates that the injection operation will not endanger USDWs.

1) The owner or operator shall notify the Agency and obtain a permit modification prior to conducting any well workover.

BOARD NOTE: Derived from 40 CFR 146.67, as added at 53 Fed. Reg. 28150, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130, effective Feb. 20, 1990.)

Section 730.168 Testing and Monitoring Requirements
Testing and monitoring requirements shall at a minimum include:

a) Monitoring of the injected wastes.

1) The owner or operator shall develop and follow an approved written waste analysis plan that describes the procedures to be carried out to obtain a detailed chemical and physical analysis of a representative sample of the waste, including the quality assurance procedures used. At a minimum, the plan shall specify:

A) The parameters for which the waste will be analyzed and the rationale for the selection of these parameters;

B) The test methods that will be used to test for these parameters; and

C) The sampling method that will be used to obtain a representative sample of the waste to be analyzed.

2) The owner or operator shall repeat the analysis of the injected wastes as described in the waste analysis plan at frequencies specified in the waste analysis plan and when process or operating changes occur that may significantly

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

alter the characteristics of the waste stream.

- 3) The owner or operator shall conduct continuous or periodic monitoring of selected parameters as required by permit condition.
- 4) The owner or operator shall assure that the plan remains accurate and the analyses remain representative.
- b) Hydrogeologic compatibility determination. The owner or operator shall submit information demonstrating that the waste stream and its anticipated reaction products will not alter the permeability, thickness or other relevant characteristics of the confining or injection zones such that they would no longer meet the requirements specified in Section 730.162.

c) Compatibility of well materials.

- 1) The owner or operator shall demonstrate that the waste stream will be compatible with the well materials with which the waste is expected to come into contact, and submit to the Agency a description of the methodology used to make that determination. Compatibility for the purposes of this requirement is established if contact with injected fluids will not cause the well materials to fail to satisfy any design requirement imposed under Section 730.165(b).
- 2) The Agency shall require continuous corrosion monitoring of the construction materials used in the well for wells injecting corrosive waste, and may require such monitoring for other wastes, by:
- A) Placing coupons of the well construction materials in contact with the waste stream; or
- B) Routing the waste stream through a loop constructed with the material used in the well; or
- C) Using an alternative method approved by permit condition.
- 3) If a corrosion monitoring program is required:
- A) The test must use materials identical to those used in the construction of the well, and such materials must be continuously exposed to the operating pressures and temperatures (measured at the well head) and flow rates of the injection operation; and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) The owner or operator shall monitor the materials for loss of mass, thickness, cracking, pitting and other signs of corrosion on a quarterly basis to ensure that the well components meet the minimum standards for material strength and performance set forth in Section 730.165(b).

d) Periodic mechanical integrity testing. In fulfilling the requirements of Section 730.108, the owner or operator of a Class I hazardous waste injection well shall conduct the mechanical integrity testing as follows:

- 1) The long string casing, injection tube, and annular seal must be tested by means of an approved pressure test with a liquid or gas annually and whenever there has been a well workover;
- 2) The bottom-hole cement must be tested by means of an approved radioactive tracer survey annually;
- 3) An approved temperature, noise, or other approved log must be run at least once every five years to test for movement of fluid along the borehole. The Agency may require such tests whenever the well is worked over;
- 4) Casing inspection logs must be run at least once every five years unless the permit specifies otherwise due to well construction or other factors which limit the test's reliability; and
- 5) Any other test specified by permit condition in accordance with the procedures in Section 730.108(d) may also be used.

e) Ambient Monitoring.

- 1) Based on a site-specific assessment of the potential for fluid movement from the well or injection zone, and on the potential value of monitoring wells to detect such movement, the Agency shall require the owner or operator to develop a monitoring program. At a minimum, the Agency shall require monitoring of the pressure buildup in the injection zone annually, including at a minimum, a shut down of the well for a time sufficient to conduct a valid observation of the pressure fall-off curve.
- 2) When prescribing a monitoring system the Agency may also require:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A1** Continuous monitoring for pressure changes in the first aquifer overlying the confining zone. When such a well is installed, the owner or operator shall, on a quarterly basis, sample the aquifer and analyze for constituents specified by permit condition.
- B1** The use of indirect, geophysical techniques to determine the position of the waste front, the water quality in a formation designated by permit condition, or to provide other site-specific data.
- C1** Periodic monitoring of the groundwater quality in the first aquifer overlying the injection zone.
- D1** Periodic monitoring of the ground water quality in the lowermost USDW.
- E1** Any additional monitoring necessary to determine whether fluids are moving into or between USDWs; and.
- F1** The Agency may require seismicity monitoring when it has reason to believe that the injection activity may have the capacity to cause seismic disturbances.

BOARD NOTE: Derived from 40 CFR 146.68, as added at 53 Fed. Reg. 28151, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130, effective Feb. 20, 1990.)

Section 730.169 Reporting Requirements

Reporting requirements must, at a minimum, include:

- a1** Quarterly reports to the Agency containing:
- 11** The maximum injection pressure;
 - 21** A description of any event that exceeds operating parameters for annulus pressure or injection pressure as specified in the permit;
 - 31** A description of any event which triggers an alarm or shutdown device required pursuant to Section 730.167(f) and the response taken;
 - 41** The total volume of fluid injected;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 51** Any change in the annular fluid volume;
 - 61** The physical, chemical and other relevant characteristics of injected fluids; and
 - 71** The results of monitoring prescribed under Section 730.168; and
- b1** Reporting, within 30 days or with the next quarterly report whichever comes later, the results of:
- 11** Periodic tests of mechanical integrity;
 - 21** Any other test of the injection well conducted by the permittee if required by permit condition; and
 - 31** Any well workover.

BOARD NOTE: Derived from 40 CFR 146.69, as added at 53 Fed. Reg. 28152, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130, effective Feb. 20, 1990.)

Section 730.170 Information to be Evaluated

This Section sets forth the information which must be evaluated by the Agency in authorizing Class I hazardous waste injection wells. For a new Class I hazardous waste injection well, the owner or operator shall submit all the information listed below as part of the permit application. For an existing or converted Class I hazardous waste injection well, the owner or operator shall submit all information listed below as part of the permit application except for those items of information which are current, accurate and available in the existing permit file. For both existing and new Class I hazardous waste injection wells, certain maps, cross-sections, tabulations of wells within the area of review and other data may be included in the application by reference, provided they are current and readily available to the Agency (for example, in the permitting Agency's file) and sufficiently identifiable to be retrieved.

- a1** Before issuing a permit for an existing Class I hazardous waste injection well to operate or the construction or conversion of a new Class I hazardous waste injection well, the Agency shall review the following to assure that the requirements of this Part and 35 Ill. Adm. Code 702 and 704 are met:
- 11** Information required in 35 Ill. Adm. Code 704.161;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) A map showing the injection well for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all producing wells, injection wells, abandoned wells, dry holes, surface bodies of water, springs, mines (surface and subsurface), quarries, water wells and other pertinent surface features, including residences and roads. The map must also show faults, if known or suspected;
- 3) A tabulation of all wells within the area of review which penetrate the proposed injection zone or confining zone. Such data must include a description of each well's type, construction, date drilled, location, depth, record of plugging or completion and any additional information the Agency may require;
- 4) The protocol followed to identify, locate and ascertain the condition of abandoned wells within the area of review which penetrate the injection or the confining zones;
- 5) Maps and cross-sections indicating the general vertical and lateral limits of all underground sources of drinking water within the area of review, their position relative to the injection formation and the direction of water movement, where known, in each underground source of drinking water which may be affected by the proposed injection;
- 6) Maps and cross-sections detailing the geologic structure of the local area;
- 7) Maps and cross-sections illustrating the regional geologic setting;
- 8) Proposed operating data:
 - A) Average and maximum daily rate and volume of the fluid to be injected; and
 - B) Average and maximum injection pressure;
- 9) Proposed formation testing program to obtain an analysis of the chemical, physical and radiological characteristics of and other information on the injection formation and the confining zone;
- 10) Proposed stimulation program;
- 11) Proposed injection procedure;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) Schematic or other appropriate drawings of the surface and subsurface construction details of the well;
- 13) Contingency plan to cope with all shut-ins or well failures so as to prevent migration of fluids into any USDW;
- 14) Plans (including maps) for meeting monitoring requirements of Section 730.168;
- 15) For wells within the area of review which penetrate the injection zone or the confining zone but are not properly completed or plugged, the corrective action to be taken under Section 730.164;
- 16) Construction procedures including a cementing and casing program, well materials specification and their life expectancy, logging procedures, deviation checks, and a drilling, testing and coring program; and
- 17) A demonstration pursuant to 35 Ill. Adm. Code 704.Subpart G, that the applicant has the resources necessary to close, plug or abandon the well and for post-closure care.
 - a) Before the Agency grants approval for the operation of a Class I hazardous waste injection well, the owner or operator shall submit and the Agency shall review the following information, which must be included in the completion report:
 - 1) All available logging and testing program data on the well;
 - 2) A demonstration of mechanical integrity pursuant to Section 730.168;
 - 3) The anticipated maximum pressure and flow rate at which the permittee will operate;
 - 4) The results of the injection zone and confining zone testing program as required in Section 730.170(a)(9);
 - 5) The actual injection procedure;
 - 6) The compatibility of injected waste with fluids in the injection zone and minerals in both the injection zone and the confining zone and with the materials used to construct the well;
 - 7) The calculated area of review based on data obtained during

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

logging and testing of the well and the formation and, where necessary, revisions to the information submitted under Section 730.170(a)(2) and (3); and

- 8) The status of corrective action on wells identified in Section 730.170(a)(15).
- 9) Prior to granting approval for the plugging and abandonment (i.e., closure) of a Class I hazardous waste injection well, the Agency shall review the information required in Sections 730.171(a)(4) and 730.172(a).
- 10) Any permit issued for a Class I hazardous waste injection well for disposal on the premises where the waste is generated must contain a certification by the owner or operator that:
 - 1) The generator of the hazardous waste has a program to reduce the volume or quantity and toxicity of such waste to the degree determined by the generator to be economically practicable; and
 - 2) Injection of the waste is that practicable method of disposal currently available to the generator which minimizes the present and future threat to human health and the environment.

BOARD NOTE: Derived from 40 CFR 146.70, as added at 53 Fed. Reg. 28152, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130, effective Feb. 20, 1990)

Section 730.171 Closure

- a) Closure Plan. The owner or operator of a Class I hazardous waste injection well shall prepare, maintain, and comply with a plan for closure of the well that meets the requirements of subsection (d) and is specified by permit condition. The obligation to implement the closure plan survives the termination of a permit or the cessation of injection activities. The requirement to maintain and implement an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.

- 1) The owner or operator shall submit the plan as a part of the permit application and, upon approval by the Agency, such plan must be a condition of any permit issued.
- 2) The owner or operator shall submit any proposed significant

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

revision to the method of closure reflected in the plan for approval by the Agency no later than the date on which notice of closure is required to be submitted to the Agency under subsection (b).

- 3) The plan must assure financial responsibility as required in 35 Ill. Adm. Code 704.189.
- 4) The plan must include the following information:
 - A) The type and number of plugs to be used;
 - B) The placement of each plug including the evaluation of the top and bottom of each plug;
 - C) The type and grade and quantity of material to be used in plugging;
 - D) The method of placement of the plugs;
 - E) Any proposed test or measure to be made;
 - F) The amount, size and location (by depth) of casing and any other materials to be left in the well;
 - G) The method and location where casing is to be parted, if applicable;
 - H) The procedure to be used to meet the requirements of subsection (d)(5); and
 - I) The estimated cost of closure.
- 5) The Agency must modify a closure plan following the procedures of 35 Ill. Adm. Code 702.Subpart C.
- 6) An owner or operator of a Class I hazardous waste injection well who stops injection temporarily, may keep the well open if the owner or operator:
 - A) Has received authorization from the Agency; and
 - B) Has described actions or procedures, satisfactory to the Agency, that the owner or operator will take actions to ensure that the well will not endanger USDWs during the period of temporary disuse. These actions and procedures must include compliance with the technical requirements applicable to active

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

injection wells unless otherwise waived by permit condition.

- C For the purposes of this subsection, submitting a description of actions or procedures for Agency authorization is in the nature of a permit application, and the owner or operator may appeal the Agency's decision to the Board.

- 7) The owner or operator of a well that has ceased operations for more than two years shall notify the Agency at least 30 days prior to resuming operation of the well.
- b) Notice of intent to close. The owner or operator shall notify the Agency at least 60 days before closure of a well.
- c) Closure report. Within 60 days after closure or at the time of the next quarterly report (whichever is less) the owner or operator shall submit a closure report to the Agency. If the quarterly report is due less than 15 days after completion of closure, then the report must be submitted within 60 days after closure. The report must be certified as accurate by the owner or operator and by the person who performed the closure operation (if other than the owner or operator). Such report must consist of either:
- 1) A statement that the well was closed in accordance with the closure plan previously submitted and approved by the Agency; or
- 2) Where actual closure differed from the plan previously submitted, a written statement specifying the differences between the previous plan and the actual closure.
- d) Standards for well closure.
- 1) Prior to closing the well, the owner or operator shall observe and record the pressure decay for a time specified by permit condition. The Agency shall analyze the pressure decay and the transient pressure observations conducted pursuant to Section 730.168(e)(1)(A) and determine whether the injection activity has conformed with predicted values.
- 2) Prior to well closure, appropriate mechanical integrity testing must be conducted to ensure the integrity of that portion of the long string casing and cement that will be left in the ground after closure. Testing methods may include:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) Pressure tests with liquid or gas;
- B) Radioactive tracer surveys;
- C) Noise, temperature, pipe evaluation, or cement bond logs; and
- D) Any other test required by permit condition.
- 3) Prior to well closure, the well must be flushed with a buffer fluid.
- 4) Upon closure, a Class I hazardous waste injection well must be plugged with cement in a manner that will not allow the movement of fluids into or between USDWs.
- 5) Placement of the cement plugs must be accomplished by one of the following:
- A) The Balance Method;
- B) The Dump Bailer Method;
- C) The Two-Plug Method; or
- D) An alternative method, specified by permit condition, that will reliably provide a comparable level of protection.
- 6) Each plug used must be appropriately tagged and tested for seal and stability before closure is completed.
- 7) The well to be closed must be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by permit condition, prior to the placement of the cement plug(s).

BOARD NOTE: Derived from 40 CFR 146.71, as added at 53 Fed. Reg. 28153, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130, effective Feb. 20, 1990)

Section 730.172 Post-Closure Care

- a) The owner or operator of a Class I hazardous waste injection well shall prepare, maintain and comply with a plan for post-closure

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

care that meets the requirements of subsection (b) and is specified by permit condition. The obligation to implement the post-closure plan survives the termination of a permit or the cessation of injection activities. The requirement to maintain an approved plan is directly enforceable regardless of whether the requirement is a condition of the permit.

- 1) The owner or operator shall submit the plan as a part of the permit application and, upon approval by the Agency, such plan must be a condition of any permit issued.
- 2) The owner or operator shall submit any proposed significant revision to the plan as appropriate over the life of the well, but no later than the date of the closure report required under Section 730.171(c).
- 3) The plan must assure financial responsibility as required in Section 730.173.
- 4) The plan must include the following information:

- A) The pressure in the injection zone before injection began;
 - B) The anticipated pressure in the injection zone at the time of closure;
 - C) The predicted time until pressure in the injection zone decays to the point that the well's cone of influence no longer intersects the base of the lowermost USDW;
 - D) Predicted position of the waste front at closure;
 - E) The status of any cleanups required under Section 730.164; and
 - F) The estimated cost of proposed post-closure care.
- 5) At the request of the owner or operator, or on its own initiative, the Agency may modify the post-closure plan after submission of the closure report following the procedures in 35 Ill. Adm. Code 705.128.

b) The owner or operator shall:

- 1) Continue and complete any cleanup action required under Section 730.164, if applicable;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) Continue to conduct any groundwater monitoring required under the permit until pressure in the injection zone decays to the point that the well's cone of influence no longer intersects the base of the lowermost USDW. The Agency shall extend the period of post-closure monitoring if it determines that the well may endanger a USDW;
 - 3) Submit a survey plat to the local zoning authority designated by permit condition. The plat must indicate the location of the well relative to permanently surveyed benchmarks. A copy of the plat must be submitted to USEPA, Region V;
 - 4) Notify the Illinois Department of Mines and Minerals, the State Department of Public Health, and any unit of local government authorized to grant permits under the Water Well Construction Code (Ill. Rev. Stat. ch. 111, par. 116.111 et seq.) in the area where the well is located as to the depth and location of the well and the confining zone; and
 - 5) Retain, for a period of three years following well closure, records reflecting the nature, composition and volume of all injected fluids. Owners or operators shall deliver the records to the Agency at the conclusion of the retention period.
- c) Each owner of a Class I hazardous waste injection well, and the owner of the surface or subsurface property on or in which a Class I hazardous waste injection well is located, shall record a notation on the deed to the facility property or on some other instrument which is normally examined during title search that will in perpetuity provide any potential purchaser of the property the following information:
- 1) The fact that land has been used to manage hazardous waste;
 - 2) The names of the Illinois Department of Mines and Minerals and the local zoning authority with which the plat was filed, as well as the address of Region V Environmental Protection Agency; and
 - 3) The type and volume of waste injected, the injection interval or intervals into which it was injected and the period over which injection occurred.
- d) In addition to the requirements stated in this Section, each owner of a Class I hazardous waste injection well must comply with the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Responsible Property Transfer Act of 1988 (Ill. Rev. Stat. 1988 Supp. ch. 30, par. 901 et seq.).

BOARD NOTE: Derived from 40 CFR 146.72, as added at 53 Fed. Reg. 28152, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130 , effective Feb. 20, 1990)

Section 730.173 Financial Responsibility for Post-Closure Care

The owner or operator shall demonstrate and maintain financial responsibility for post-closure care by using a trust fund, surety bond, letter of credit, financial test, insurance or corporate guarantee that meets the specifications for the mechanisms and instruments revised as appropriate to cover closure and post-closure care in 35 Ill. Adm. Code 704.Subpart G. The amount of the funds available must be no less than the amount identified in Section 730.172(a)(4)(F). The obligation to maintain financial responsibility for post-closure care survives the termination of a permit or the cessation of injection. The requirement to maintain financial responsibility is enforceable whether or not the requirement is a condition of the permit.

BOARD NOTE: Derived from 40 CFR 146.73, as added at 53 Fed. Reg. 28154, July 26, 1988.

(Source: Added at 14 Ill. Reg. 3130 , effective Feb. 20, 1990)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Adopted Action:
112.40 Amendment

4) Statutory Authority: Sections 2501 thru 2526 of the Illinois Parentage Act of 1984 (Ill. Rev. Stat. 1987, Ch. 40, Pars. 2501 thru 2526)

5) Effective Date of Adopted Amendment: February 13, 1990

6) Does this rulemaking contain an automatic repeal date?
Yes No X

7) Does this Adopted Amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 13, 1990

9) Notice of Proposal Published in Illinois Register: February 17, 1989 (13 Ill. Reg. 1948)

10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No

11) Difference(s) between proposal and final version: A new subsection (d)(2)(j) is added; that new subsection reads as follows: "the putative father's notarized signature on an acknowledgment of paternity."

After the word "correspondence" in the first sentence of subsection (d)(4), a comma and the following phrase is inserted as follows: "the putative father's notarized signature on an acknowledgment of paternity"

Finally, the word "or" should be deleted in subsection (d)(2)(H) and in subsection (d)(2)(I) the period after the word "certificates" should be deleted and replaced by a semicolon followed by the word "or".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.9	Amendment	February 23, 1990 (14 Ill. Reg. 2798.)
112.70	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.71	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.72	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.74	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.75	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.77	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.78	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.79	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.80	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.82	Amendment	November 3, 1989 (13 Ill. Reg. 16894)
112.82	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.83	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.138	New Section	December 1, 1989 (13 Ill. Reg. 18833)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section Numbers

Proposed Action

Illinois Register Citation

112.154	Amendment	December 8, 1989 (13 Ill. Reg. 19117)
112.300	Amendment	November 3, 1989 (13 Ill. Reg. 16894)
112.303	Amendment	December 1, 1989 (13 Ill. Reg. 18833)
112.304	Amendment	January 12, 1990 (14 Ill. Reg. 538)
112.308	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.315	Renumbered and Amended	January 19, 1990 (14 Ill. Reg. 1123)
112.350	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.352	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.354	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.356	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.358	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.360	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.362	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.364	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.366	New Section	January 19, 1990 (14 Ill. Reg. 1123)

Section Numbers	Proposed Action	Illinois Register Citation
112.400	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.402	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.406	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.408	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.410	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.412	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.414	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.416	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.418	New Section	January 19, 1990 (14 Ill. Reg. 1123)

The full text of the Adopted Amendment begins on the next page:

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

- 15) Summary and Purpose of Amendment: This rulemaking deletes the statement that paternity can be established by a putative father's notarized signature on an acknowledgement of paternity. The acknowledgement can be used as a source to establish a relationship between the child and the relative of a putative father. This change brings Department policy into conformity with the Illinois Parentage Act of 1984 which does not allow a putative father's notarized signature on an acknowledgement of paternity as a method to establish a parent and child relationship.
- 16) Information and questions regarding this Adopted Amendment shall be directed to:
- Name: Anita Williams, Staff Attorney
Office of the General Counsel

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1
112.5

Description of the Assistance Program
Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8
112.9
112.10
112.20
112.30
112.40
112.50
112.52
112.54
112.60
112.61
112.62
112.63
112.64

Caretaker Relative
Client Cooperation
Citizenship
Residence
Age
Relationship
Living Arrangement
Social Security Numbers
Assignment of Medical Support Rights
Lack of Parental Support or Care
Death of a Parent
Incapacity of a Parent
Continued Absence of a Parent
Unemployment of the Parent

SUBPART C: PROJECT CHANCE

Section
112.70
112.71
112.72
112.73
112.74
112.76
112.77

Registration Requirements For Project Chance
Individuals Exempt From Project Chance
Project Chance Participation/Cooperation Requirements
Failure to Participate with the Work Incentive
Demonstration Program (Renumbered)
Project Chance Full Assessment Process/Development of an Employment Plan
Project Chance Orientation
Illinois Work Experience Program Evaluation Project (Renumbered)
Project Chance Components
Project Chance Sanctions
Good Cause for Failure to Comply With Project Chance Participation Requirements

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section
112.81
112.82
112.83
112.84
112.85

Responsible Relative Eligibility For Project Chance
Project Chance Supportive Services
Employment Child Care
Work Experience Evaluation Project
Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
112.86
112.87
112.88

Project Advance
Project Advance Experimental and Control Groups
Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
Project Advance Sanctions
Good Cause for Failure to Comply with Project Advance
Individuals Exempt From Project Advance
Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
112.98

Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100
112.101

Unearned Income
Unearned Income of Stepparent, Parent or Legal Guardian

112.105
112.106

Budgeting Unearned Income
Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision

112.107
112.108
112.110

Initial Receipt of Unearned Income
Termination of Unearned Income
Exempt Unearned Income

112.115
112.120
112.125

Education Benefits
Incentive Allowances
Unearned Income In-Kind

112.126
112.127
112.128

Earmarked Income
Lump Sum Payments
Protected Income

112.130
112.131
112.132

Earned Income
Earned Income Tax Credit
Budgeting Earned Income

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section	
112.133	Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134	Initial Employment
112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination of Employment
112.140	Exempt Earned Income
112.141	Exempt Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers
112.155	AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section	
112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section	
112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Restrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section	
112.315	Young Parent Program
112.320	Redetermination of Eligibility
112.330	Six Month Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 1, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections, being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19933, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.40 Relationship

- a) The child(ren) must be living with a blood relative, step-relative or adoptive relative in the relative's home.
- b) A CHILD CONCEIVED OR BORN-IN-WEDLOCK IS PRESUMED TO BE THE CHILD OF THAT MARRIAGE IN THE ABSENCE OF A COURT FINDING TO THE CONTRARY (Section 5 of the Illinois Parentage Act of 1984, Ill. Rev. Stat. 1985 1987, ch. 40, par. 2505).
- c) Relationship between a child born out-of-wedlock and the child's putative father may be established by:
 - 1) adjudication; or
 - 2) legal presumption of paternity. A legal presumption of paternity exists when the putative father married the child's natural mother after the child's birth and he is named as father on the child's birth certificate pursuant to Section

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 112.40 Relationship (Cont'd.)

- 12 of the Vital Records Acts (Ill. Rev. Stat. 1985 1987, ch. 111 1/2, par. 73-12).
- d) Relatives of the child's putative father may establish relationship to the child provided one of the following criteria is met:
 - 1) Paternity has been established by:
 - A) adjudication, legal presumption of paternity, or acknowledgement in open court by the putative father, ~~or the putative father's notarized signature on an acknowledgement of paternity;~~ and acknowledgement of paternity; and
 - B) the relationship between the putative father and the caretaker relative (defined at 89 Ill. Adm. Code 101.20) has been verified.
 - 2) The putative father's relationship to the child and his relationship to the caretaker relative has been verified by such sources as:
 - A) birth records;
 - B) baptismal certificate;
 - C) bible entries;
 - D) census records;
 - E) medical records;
 - F) Social Security records;
 - G) Veteran's Administration records;
 - H) Immigration/Naturalization Service Records; ~~or~~
 - I) death certificates; or
 - J) the putative father's notarized signature on an acknowledgement of paternity.
- 3) Any of the verification factors in Section 112.40

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

There is still an emergency in effect on Sections 790.2097, 790.4720, 790.9048, 790.9084 which is not affected by this set of adopted amendments. The emergency amendments appear at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days. The copies filed in the Administrative Code Unit reflect both the earlier emergency rule and these adopted amendments.

4) Statutory Authority:

Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 503.14) and Section 11 of the Pharmacy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 4145).

5) Effective Date of Rules:

February 16, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? No.7) Does this Rulemaking Contain Any Incorporations by Reference? No.8) Date Filed in Agency's Principal Office:

February 13, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

13 Ill. Reg. 16910, November 3, 1989

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No.11) Difference Between Proposal and Final Version: No changes have been made.12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

No changes were recommended by the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? Yes.14) Are there any other Amendments Pending on this Part? Yes.

Section Numbers	Proposed Action	Ill. Reg. Citation
790.1200	Repealer	14 Ill. Reg. 1220
790.1560	Amendment	14 Ill. Reg. 1220
790.2097		14 Ill. Reg. 1220

790.2140	Amendment	14 Ill. Reg. 1220
790.2603	Repealer	14 Ill. Reg. 1220
790.2618	Amendment	14 Ill. Reg. 1220
790.3054	Amendment	14 Ill. Reg. 1220
790.3340	Amendment	14 Ill. Reg. 1220
790.3420	Amendment	14 Ill. Reg. 1220
790.3910	Amendment	14 Ill. Reg. 1220
790.4720	Amendment	14 Ill. Reg. 1220
790.5220	Amendment	14 Ill. Reg. 1220
790.5312	Amendment	14 Ill. Reg. 1220
790.5830	Amendment	14 Ill. Reg. 1220
790.5837	Repealer	14 Ill. Reg. 1220
790.6435	Amendment	14 Ill. Reg. 1220
790.6875	Amendment	14 Ill. Reg. 1220
790.8900	Amendment	14 Ill. Reg. 1220
790.9048	Amendment	14 Ill. Reg. 1220
790.9084	Amendment	14 Ill. Reg. 1220
790.9320	Amendment	14 Ill. Reg. 1220

15) Summary and Purpose of Rules:

Through this adopted rulemaking, the Illinois Department of Public Health amends various sections of the Illinois Formulary for the Drug Product Selection Program. Several new generic entities have also been concurrently included. These changes have been recommended by the Technical Advisory Council for the Drug Product Selection Program and have been published in the Second Supplement to the Tenth Edition of the Illinois Formulary.

This rulemaking will allow consumers and third party fiscal intermediaries (including the Department of Public Aid) to save money when purchasing or reimbursing prescription drug products. Drug purchases made by the Department of Corrections and the Department of Mental Health and Developmental Disabilities may also experience some savings. Pharmacies may have increased sales of generic drug products as approved in the Illinois Formulary.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENOMENTS

NOTICE OF ADOPTED AMENOMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 790

THE ILLINOIS FORMULARY FOR THE DRUG PRODUCT SELECTION PROGRAM

SUBPART A: GENERAL PROVISIONS

SECTION
790.20 Introduction
790.40 Consideration of Drug Products for Inclusion
in the Illinois Formulary
790.60 Additional Criteria
790.80 Quality Listing
790.100 Generic Drug Entity Headings
790.120 Comments and Specific Administration
790.140 Requests for Additional Copies
790.160 Prescription Use of Drug Products
790.180 FDA Drug Product Approval and Recommendation
790.200 Availability of Drug Products;
Pharmaceutical Equivalence
790.220 Single Source Drug Products Exclusion
790.240 Criteria for Exclusion of Drug Products
790.260 Inclusion of Controlled Substances
790.280 Equivalence of Products Requirements
790.300 Selection of Equivalent Drug Products
790.320 Transfer of Prescription Records

SUBPART B: APPROVED DRUG PRODUCTS FOR
DRUG PRODUCT SELECTION

SECTION
790.420 ACETAMINOPHEN; BUTALBITAL
790.460 ACETAMINOPHEN; BUTALBITAL; CAFFEINE
790.480 ACETAMINOPHEN; CAFFEINE; OIHIDROCOEINE BITARTRATE
790.500 ACETAMINOPHEN; CODEINE PHOSPHATE
790.540 ACETAMINOPHEN; HYDROCODONE BITARTRATE
790.548 ACETAMINOPHEN; OXYCODONE HYDROCHLORIDE
790.580 ACETAMINOPHEN; PROPOXYPHENE HYDROCHLORIDE
790.600 ACETAMINOPHEN; PROPOXYPHENE NAPSYLATE
790.620 ACETAZOLAMIDE
790.630 ACETAZOLAMIDE SODIUM
790.660 ACETIC ACID, GLACIAL
790.700 ACETIC ACID, GLACIAL; HYDROCORTISONE

790.706 ACETOHEXAMIDE
790.721 ACETYLCYSTEINE
790.740 ALBUTEROL SULFATE
790.756 ALCOHOL; OEXTROSE
790.780 ALLOPURINOL
790.788 ANANTAOINE HYDROCHLORIDE
790.798 AMILORIDE HYDROCHLORIDE
790.799 AMILORIDE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE
790.815 AMINOCETIC ACID (Repealed)
790.820 AMINOCAPROIC ACID
790.860 AMINOPHYLLINE
790.900 AMITRIPTYLINE HYDROCHLORIDE
790.905 AMITRIPTYLINE HYDROCHLORIDE; CHLOROIAZEPOXIOE
790.910 AMITRIPTYLINE HYDROCHLORIDE; PERPHENAZINE
790.920 AMOXAPINE
790.940 AMOXICILLIN TRIHYDRATE
790.974 AMPHOTERICIN B
790.980 AMPICILLIN SODIUM
790.1020 AMPICILLIN; PROBENECIO
790.1060 AMPICILLIN/AMPCILLIN TRIHYDRATE
790.1100 ANISOTROPINE METHYLBROMIDE (Repealed)
790.1125 ASCORBIC ACID; BIOTIN; CYANOCOBALAMIN; OEXPANTHENOL;
ERGOCALCIFEROL; FOLIC ACID; NIACINAMIDE; PYRIDOXINE
HYDROCHLORIDE; VITAMIN A; VITAMIN E
790.1127 ASCORBIC ACID; CYANOCOBALAMIN; FLUORIOE; IRON; NICOTINIC ACID;
PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE;
VITAMIN A; VITAMIN D; VITAMIN E
ASCORBIC ACID; CYANOCOBALAMIN; FLUORIOE; NICOTINIC ACID;
PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE;
VITAMIN A; VITAMIN D; VITAMIN E
790.1129 ASCORBIC ACID; FLUORIOE; IRON; VITAMIN A; VITAMIN D
790.1131 ASCORBIC ACID; FLUORIOE; VITAMIN A; VITAMIN D
790.1140 ASPIRIN; BUTALBITAL; CAFFEINE
790.1180 ASPIRIN; BUTALBITAL; CAFFEINE; PHENACETIN (Repealed)
790.1200 ASPIRIN; CAFFEINE; ORPHENADRINE CITRATE
EMERGENCY
790.1220 ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE
(Repealed)
790.1260 ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE
(Repealed)
790.1300 ASPIRIN; CAFFEINE; PROPOXYPHENE HYDROCHLORIDE
790.1345 ASPIRIN; CARISOPRODOL
790.1360 ASPIRIN; MEPROBAMATE
790.1380 ASPIRIN; METHOCARBAMOL
790.1386 ASPIRIN; OXYCODONE HYDROCHLORIDE; OXYCODONE TEREPHTHALATE
790.1418 ATROPINE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

790.1420 ATROPINE SULFATE; DIPHENOXYLATE HYDROCHLORIDE
 790.1423 ATROPINE SULFATE; HYOSCYAMINE; PHENOBARBITAL; SCOPOLAMINE
 790.1425 ATROPINE SULFATE; MEPERIDINE HYDROCHLORIDE
 790.1440 AZATHIOPRINE SODIUM
 790.1460 BACITRACIN
 790.1490 BACITRACIN ZINC; HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B
 SULFATE
 790.1500 BACITRACIN ZINC; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
 790.1540 BACITRACIN ZINC; POLYMYXIN B SULFATE
 790.1560 BACLOFEN
 EMERGENCY
 790.1570 BENZTROPINE MESYLATE
 790.1577 BETAMETHASONE OIPROPIONATE
 790.1580 BETAMETHASONE SODIUM PHOSPHATE
 790.1620 BETAMETHASONE VALERATE
 790.1660 BETHANECHOL CHLORIDE
 790.1685 BRETILIUM TOSYLATE
 790.1686 BRETILIUM TOSYLATE; DEXTROSE
 790.1697 BROMODIPHENHYDRAMINE HYDROCHLORIDE; COCAINE PHOSPHATE
 790.1700 BROMPHENIRAMINE MALEATE
 790.1706 BROMPHENIRAMINE MALEATE; COCAINE PHOSPHATE;
 PHENYLPROPANOLAMINE HYDROCHLORIDE
 790.1708 BROMPHENIRAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE;
 790.1710 BROMPHENIRAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE;
 790.1719 BROMPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE
 790.1721 BUPIVACAINE HYDROCHLORIDE
 790.1740 BUTABARBITAL SODIUM
 790.1780 CAFFEINE; CARISOPRODOL; PHENACETIN (Repealed)
 790.1820 CAFFEINE; ERGOTAMINE TARTRATE
 790.1842 CALCIUM CHLORIDE; OEXTROSE; MAGNESIUM CHLORIDE; SODIUM
 790.1846 CALCIUM CHLORIDE; OEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE
 790.1848 CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM
 790.1856 CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE
 790.1858 CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE; SODIUM
 LACTATE
 790.1860 CALCIUM GLUCEPATE
 790.1900 CANDICIDIN (Repealed)
 790.1930 CARBAMAZEPINE
 790.1940 CARBENICILLIN OISODIUM
 790.1980 CARISOPRODOL
 790.2020 CEFAUROXIL MONOHYDRATE
 790.2060 CEFAZOLIN SODIUM
 790.2084 CEFTAZIDIME
 790.2092 CEFUROXIME SODIUM
 790.2097 CEPHALEXIN
 EMERGENCY
 790.2100 CEPHALOTHIN SODIUM

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

790.2130 CEPHADIRIN SODIUM
 790.2140 CEPHRAIOINE/CEPHRAIOINE OIHYORATE
 EMERGENCY
 790.2180 CHLORAMPHENICOL
 790.2220 CHLORAMPHENICOL SODIUM SUCCINATE
 790.2260 CHLOROIAZEPOXIOE HYDROCHLORIDE
 790.2300 CHLORMEZANONE (Repealed)
 790.2340 CHLOROQUINE PHOSPHATE
 790.2380 CHLOROTHIAZIOE
 790.2390 CHLOROTHIAZIOE; METHYLDOPA
 790.2420 CHLOROTRIANISENE
 790.2460 CHLORPHENIRAMINE MALEATE
 790.2465 CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE HYDROCHLORIDE;
 PHENYLPROPANOLAMINE HYDROCHLORIDE; PHENYLTOLOXAMINE CITRATE
 CHLORPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE
 CHLORPROPAMIOE
 CHLORTHALIDONE
 790.2470 CHLORTHALIDONE; CLONIDINE HYDROCHLORIDE
 790.2500 CHLORZOXAZONE
 790.2510 CHLORZOXAZONE
 790.2555 CHROMIC CHLORIDE
 790.2583 CITRIC ACID; MAGNESIUM OXIDE; SODIUM CARBONATE
 790.2595 CLINDAMYCIN HYDROCHLORIDE
 790.2603 CLINDAMYCIN HYDROCHLORIDE
 EMERGENCY
 790.2605 CLINDAMYCIN PHOSPHATE
 790.2613 CLOFIBRATE
 790.2614 CLONIPHENE CITRATE
 790.2617 CLONIDINE HYDROCHLORIDE
 790.2618 CLORAZEPATE OIPOTASSIUM
 EMERGENCY
 790.2620 CLOTRIMAZOLE
 790.2620 CLOXACILLIN SODIUM MONOHYDRATE
 790.2660 COCAINE PHOSPHATE; PHENYLEPHRINE HYDROCHLORIDE;
 790.2663 PROMETHAZINE HYDROCHLORIDE
 790.2668 COCAINE PHOSPHATE; PROMETHAZINE HYDROCHLORIDE
 790.2672 COCAINE PHOSPHATE; PSEUDOPHEDRINE HYDROCHLORIDE;
 TRIPROLIDINE HYDROCHLORIDE
 790.2700 CORTICOTROPIN
 790.2740 CROTAMITON
 790.2780 CYANOCOBALAMIN
 790.2800 CYCLACILLIN
 790.2805 CYCLOBENZAPRINE HYDROCHLORIDE
 790.2820 CYCLOPENTOLATE HYDROCHLORIDE
 790.2860 CYCLOPHOSPHAMIDE
 790.2900 CYPROHEPTADINE HYDROCHLORIDE
 790.2902 CYTARABINE
 790.2904 DACARBAZINE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

790.2908 DANAZOL
 790.2928 DESIPRAMINE HYDROCHLORIDE (Repealed)
 790.2932 DESONIDE
 790.2940 DEXAMETHASONE
 790.2980 DEXAMETHASONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
 790.3020 DEXAMETHASONE SODIUM PHOSPHATE
 790.3021 DEXAMETHASONE SODIUM PHOSPHATE; NEOMYCIN SULFATE
 790.3023 DEXCHLORPHENIRAMINE MALEATE
 790.3025 DEXTROAMPHETAMINE SULFATE
 790.3027 DEXTROMETHORPHAN HYDROBROMIDE; IODINATED GLYCEROL
 790.3028 DEXTROMETHORPHAN HYDROBROMIDE; PROMETHAZINE HYDROCHLORIDE
 790.3029 DEXTROSE
 790.3030 DEXTROSE; DOPAMINE HYDROCHLORIDE
 790.3032 DEXTROSE; HEPARIN SODIUM
 790.3033 DEXTROSE; LIDOCAINE HYDROCHLORIDE
 790.3038 DEXTROSE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE;
 SODIUM ACETATE; SODIUM CHLORIDE; SODIUM GLUCONATE
 790.3042 DEXTROSE; POTASSIUM CHLORIDE
 790.3048 DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE
 790.3049 DEXTROSE; SODIUM CHLORIDE
 790.3051 DEXTROSE; THEOPHYLLINE
 790.3054 DIAZEPAM
 EMERGENCY
 790.3056 DIAZOXIDE
 790.3060 DICLOXACILLIN SODIUM
 790.3085 DICYCLOMINE HYDROCHLORIDE
 790.3100 DIENESTROL
 790.3140 DIETHYLPROPION HYDROCHLORIDE
 790.3180 DIETHYLSTILBESTROL
 790.3220 DIGOXIN
 790.3260 DIMENHYDRINATE
 790.3300 DIPHENHYDRAMINE HYDROCHLORIDE
 790.3315 DISOPYRAMIDE PHOSPHATE
 790.3335 DOPAMINE HYDROCHLORIDE
 790.3340 DOXEPIN HYDROCHLORIDE
 EMERGENCY
 790.3350 DOXORUBICIN HYDROCHLORIDE
 790.3380 DOXYCYCLINE
 790.3420 DOXYCYCLINE HYCLATE
 EMERGENCY
 790.3425 DOXYLAMINE SUCCINATE
 790.3437 DROPERIDOL
 790.3440 DROPERIDOL; FENTANYL CITRATE
 790.3460 ECHTHIOPHATE IODIDE (Repealed)
 790.3472 EDETATE DISODIUM
 790.3475 EDROPHONIUM CHLORIDE
 790.3492 EPINEPHRINE; LIDOCAINE HYDROCHLORIDE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

790.3500 ERGOCALCIFEROL
 790.3540 ERGOLOID MESYLATES
 790.3580 ERGOTAMINE TARTRATE
 790.3620 ERYTHROMYCIN
 790.3660 ERYTHROMYCIN ESTOLATE
 790.3700 ERYTHROMYCIN ETHYLSUCCINATE
 790.3720 ERYTHROMYCIN ETHYLSUCCINATE; SULFISOXAZOLE ACETYL
 790.3730 ERYTHROMYCIN LACTOBIONATE
 790.3740 ERYTHROMYCIN STEARATE
 790.3742 ERYTHROMYCIN STEARATE
 790.3780 ESTRADIOL CYPIONATE
 790.3800 ESTRADIOL CYPIONATE; TESTOSTERONE CYPIONATE
 790.3820 ESTRADIOL VALERATE
 790.3860 ESTRADIOL VALERATE; TESTOSTERONE ENANTHATE
 790.3900 ETHCHLORVYNOL
 790.3907 ETHINYL ESTRADIOL; NORETHINDRONE
 790.3910 FENOPROFEN CALCIUM
 EMERGENCY
 790.3920 FLOXURIDINE
 790.3940 FLUOCINOLONE ACETONIDE
 790.3945 FLUOCINONIDE
 790.3960 FLUOROMETHOLONE
 790.3980 FLUOROURACIL
 790.3996 FLUPHENAZINE DECANOATE
 790.4012 FLUPHENAZINE HYDROCHLORIDE
 790.4020 FLURANDRENOLIDE
 790.4040 FLURAZEPAM HYDROCHLORIDE
 790.4060 FOLIC ACID
 790.4100 FUROSEMIDE
 790.4140 GENTAMICIN SULFATE
 790.4150 GENTAMICIN SULFATE; SODIUM CHLORIDE
 790.4173 GLUCAGON HYDROCHLORIDE
 790.4180 GLUTETHIMIDE
 790.4200 GLYCINE
 790.4220 GLYCOPYRRROLATE
 790.4260 GONADOTROPIN CHORIONIC
 790.4300 GRAMICIDIN; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
 790.4340 GRISEOFULVIN MICROCRYSTALLINE
 790.4380 GRISEOFULVIN ULTRAMICROCRYSTALLINE
 790.4386 GUANETHIDINE MONOSULFATE
 790.4396 HALOPERIDOL
 790.4398 HALOPERIDOL LACTATE
 790.4420 HEPARIN SODIUM
 790.4430 HEPARIN SODIUM; SODIUM CHLORIDE
 790.4460 HEXACHLOROPHENE
 790.4500 HOMATROPINE METHYLBROMIDE (Repealed)
 790.4540 HOMATROPINE METHYLBROMIDE; HYDROCODONE BITARTRATE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

790.4580 HYDRALAZINE HYDROCHLORIDE
 790.4620 HYDRALAZINE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE
 790.4660 HYDROCHLOROTHIAZIDE
 790.4665 HYDROCHLOROTHIAZIDE; LABETALOL HYDROCHLORIDE
 790.4667 HYDROCHLOROTHIAZIDE; LISINAPRIL
 790.4670 HYDROCHLOROTHIAZIDE; METHYLDOPA
 790.4680 HYDROCHLOROTHIAZIDE; PROPRANOLOL HYDROCHLORIDE
 790.4700 HYDROCHLOROTHIAZIDE; SPIRONOLACTONE
 790.4720 HYDROCHLOROTHIAZIDE; TRIAMTERENE
 EMERGENCY
 790.4740 HYDROCORTISONE
 790.4780 HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
 790.4820 HYDROCORTISONE; POLYMYXIN B SULFATE
 790.4840 HYDROCORTISONE SODIUM PHOSPHATE
 790.4860 HYDROCORTISONE; UREA
 790.4900 HYDROCORTISONE ACETATE
 790.4940 HYDROCORTISONE ACETATE; NEOMYCIN SULFATE
 790.4960 HYDROCORTISONE ACETATE; PRAMOXINE HYDROCHLORIDE
 790.4963 HYDROCORTISONE ACETATE; UREA
 790.4965 HYDROCORTISONE BUTYRATE
 790.4980 HYDROCORTISONE SODIUM SUCCINATE
 790.5020 HYDROFLUMETHIAZIDE
 790.5060 HYDROXOCOBALAMIN
 790.5100 HYDROXYPROGESTERONE CAPROATE
 790.5140 HYDROXYZINE HYDROCHLORIDE
 790.5180 HYDROXYZINE PAMOATE
 790.5220 IBUPROFEN
 EMERGENCY
 790.5260 IDOXURIDINE
 790.5300 IMPRAMINE HYDROCHLORIDE
 790.5312 INDOMETHACIN
 EMERGENCY
 790.5320 IODINATED GLYCEROL
 790.5340 IRON DEXTRAN COMPLEX
 790.5380 ISOETHARINE HYDROCHLORIDE
 790.5420 ISONIAZID
 790.5460 ISOPROTTERENOL HYDROCHLORIDE
 790.5483 ISOSORBIDE DINITRATE
 790.5500 KANAMYCIN SULFATE
 790.5520 KETAMINE HYDROCHLORIDE
 790.5530 LABETALOL HYDROCHLORIDE
 790.5540 LACTULOSE
 790.5544 LEUCOVORIN CALCIUM
 790.5555 LEVOCARNITINE
 790.5560 LEVONORDEFIN; MEPIVICAINE HYDROCHLORIDE
 790.5580 LIDOCAINE
 790.5620 LIDOCAINE HYDROCHLORIDE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

790.5640 LINCOMYCIN
 790.5660 LINDANE
 790.5700 LIOTHYRONINE SODIUM
 790.5720 LISINAPRIL
 790.5740 LITHIUM CARBONATE
 790.5780 LITHIUM CITRATE
 790.5792 LORAZEPAM
 790.5795 LOXAPINE SUCCINATE
 790.5795 MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE;
 790.5800 SODIUM CHLORIDE; SODIUM GLUCONATE
 MANNITOL
 790.5802 MAPROTILINE HYDROCHLORIDE
 790.5807 MECLIZINE HYDROCHLORIDE
 790.5820 MECLOFENAMATE SODIUM
 790.5830 EMERGENCY
 790.5835 MEDROXYPROGESTERONE ACETATE
 790.5837 MEFENAMIC ACID
 EMERGENCY
 790.5840 MEGESTROL ACETATE
 790.5860 MENADIOL SODIUM PHOSPHATE
 790.5872 MEPRIDINE HYDROCHLORIDE
 790.5893 MEPIVICAINE HYDROCHLORIDE
 790.5900 MEPROBAMATE
 790.5924 MESTRANOL; NORETHINDRONE
 790.5940 METAPROTENOL SULFATE
 790.5980 METARAMINOL BITARTRATE
 790.5992 METHADONE HYDROCHLORIDE
 790.5996 METHAMPHETAMINE HYDROCHLORIDE
 790.6020 METHDILAZINE HYDROCHLORIDE
 790.6060 METHENAMINE HIPPURATE
 790.6100 METHICILLIN SODIUM
 790.6140 METHOCARBAMOL
 790.6180 METHOTREXATE SODIUM
 790.6220 METHSCOPOLAMINE BROMIDE
 790.6260 METHYCLOTHIAZIDE
 790.6275 METHYLDOPA
 790.6277 METHYLDOPATE HYDROCHLORIDE
 790.6280 METHYLPHENIDATE HYDROCHLORIDE
 790.6284 METHYLPREDNISOLONE
 790.6300 METHYLPREDNISOLONE SODIUM SUCCINATE
 790.6340 METHYLTESTOSTERONE
 790.6370 METOCLOPRAMIDE HYDROCHLORIDE
 790.6375 METOCURINE IODIDE
 790.6380 METOLAZONE
 790.6420 METRONIDAZOLE
 790.6435 MINOXIDIL
 EMERGENCY

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

790.6445 MORPHINE SULFATE
 790.6450 NAFACILLIN SODIUM
 790.6452 NALBUPHINE HYDROCHLORIDE
 790.6454 NALIDIXIC ACID
 790.6456 NALOXONE HYDROCHLORIDE
 790.6460 NANDROLONE DECANOATE
 790.6480 NANDROLONE PHENPROPIONATE
 790.6500 NAPHAZOLINE HYDROCHLORIDE
 790.6540 NEOMYCIN SULFATE
 790.6544 NEOMYCIN SULFATE; POLYMYXIN B SULFATE
 790.6570 NEOMYCIN SULFATE; TRIAMCINOLONE ACETONIDE
 790.6580 NIACIN
 790.6610 NIFEDIPINE
 790.6620 NITROFURANTOIN
 790.6621 NITROFURANTOIN MACROCRYSTALS
 790.6660 NITROFURAZONE
 790.6670 NITROGLYCERIN INJECTION
 790.6700 NORTETHINDRONE ACETATE
 790.6740 NORTRIPTYLINE HYDROCHLORIDE
 790.6780 NYSTATIN
 790.6800 NYSTATIN; TRIAMCINOLONE ACETONIDE
 790.6820 ORPHENADRINE CITRATE
 790.6860 OXACILLIN SODIUM
 790.6875 OXAZEPAM
 EMERGENCY
 790.6885 OXTRIPHYLLINE
 790.6895 OXYBUTYNYN
 790.6900 OXYPHENBUTAZONE (Repealed)
 790.6940 OXYTETRACYCLINE HYDROCHLORIDE
 790.6946 OXYTOCIN
 790.6960 PANCURONIUM BROMIDE
 790.6980 PENICILLIN G POTASSIUM
 790.7020 PENICILLIN G PROCAINE
 790.7060 PENICILLIN G SODIUM (Repealed)
 790.7100 PENICILLIN V POTASSIUM
 790.7120 PENTOBARBITAL SODIUM
 790.7130 PERPHENAZINE
 790.7140 PHENDIMETRAZINE TARTRATE
 790.7180 PHENTERMINE HYDROCHLORIDE
 790.7181 PHENTERMINE RESIN COMPLEX
 790.7220 PHENYLEPHRINE HYDROCHLORIDE (Repealed)
 790.7223 PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE
 790.7229 PHENYTOIN SODIUM INJECTION
 790.7260 PIPERAZINE CITRATE
 790.7265 POLYETHYLENE GLYCOL 3350; POTASSIUM CHLORIDE; SODIUM
 790.7272 POLYMYXIN B SULFATE
 790.7278 POTASSIUM BICARBONATE

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

790.7280 POTASSIUM CHLORIDE
 790.7284 POTASSIUM CHLORIDE; SODIUM CHLORIDE
 790.7288 POTASSIUM GLUCONATE
 790.7291 PRALIDOXIME CHLORIDE
 790.7294 PRAZEPAM
 790.7296 PRAZOSIN HYDROCHLORIDE
 790.7300 PREDNISOLONE ACETATE
 790.7340 PREDNISOLONE ACETATE; SULFACETAMIDE SODIUM
 790.7380 PREDNISOLONE SODIUM PHOSPHATE
 790.7400 PREDNISON
 790.7420 PRIMIDONE
 790.7460 PROBENECID
 790.7500 PROCAINAMIDE HYDROCHLORIDE
 790.7510 PROCAINE HYDROCHLORIDE
 790.7540 PROCHLORPERAZINE EDISYLATE
 790.7580 PROCHLORPERAZINE MALEATE
 790.7620 PROGESTERONE
 790.7660 PROMAZINE HYDROCHLORIDE
 790.7700 PROMETHAZINE HYDROCHLORIDE
 790.7740 PROPANTHELINE BROMIDE
 790.7780 PROPARACATINE HYDROCHLORIDE
 790.7820 PROPOXYPHENE HYDROCHLORIDE
 790.7828 PROPANOLOL HYDROCHLORIDE
 790.7834 PROTAMINE SULFATE
 790.7860 PSEUDOEPHEDRINE HYDROCHLORIDE; TRIPROLIDINE HYDROCHLORIDE
 790.7900 PYRIDOSTIGMINE BROMIDE
 790.7940 PYRIDOXINE HYDROCHLORIDE
 790.7980 PYRILAMINE MALEATE
 790.8015 QUINIDINE GLUCONATE
 790.8020 QUINIDINE SULFATE
 790.8060 RESERPINE
 790.8100 RIFAMPIN
 790.8106 RITODRINE HYDROCHLORIDE
 790.8136 SECOBARBITAL SODIUM
 790.8140 SELENIUM SULFIDE
 790.8180 SILVER SULFADIAZINE
 790.8220 SODIUM AMINOSALICYLATE
 790.8232 SODIUM CHLORIDE
 790.8244 SODIUM LACTATE
 790.8248 SODIUM NITROPRUSSIDE (Repealed)
 790.8260 SODIUM POLYSTYRENE SULFONATE
 790.8290 SOYBEAN OIL
 790.8300 SPIRONOLACTONE
 790.8340 STREPTOMYCIN SULFATE
 790.8378 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE
 790.8380 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE; UREA
 790.8420 SULFACETAMIDE SODIUM

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

790.8460 SULFADIAZINE
 790.8500 SULFAMETHIZOLE
 790.8540 SULFAMETHOXAZOLE
 790.8580 SULFAMETHOXAZOLE; TRIMETHOPRIM
 790.8590 SULFANILAMIDE
 790.8620 SULFASALAZINE
 790.8660 SULFINPYRAZONE
 790.8700 SULFISOXAZOLE
 790.8724 TEMAZEPAM
 790.8727 TERBUTALINE SULFATE
 790.8740 TESTOSTERONE CYPIONATE
 790.8780 TESTOSTERONE ENANTHATE
 790.8820 TESTOSTERONE PROPIONATE
 790.8860 TETRACYCLINE
 790.8900 TETRACYCLINE HYDROCHLORIDE
 EMERGENCY
 790.8940 THEOPHYLLINE
 790.8980 THIAMINE HYDROCHLORIDE
 790.9020 THIORIDAZINE HYDROCHLORIDE
 790.9035 THIOETHIXENE
 790.9045 THIOETHIXENE HYDROCHLORIDE
 790.9048 TIMOLOL MALEATE
 EMERGENCY
 790.9050 TOBRAMYCIN SULFATE
 790.9056 TOLAZAMIDE
 790.9060 TOLBUTAMIDE
 790.9084 TRAZODONE HYDROCHLORIDE
 EMERGENCY
 790.9100 TRIAMCINOLONE ACETONIDE
 790.9140 TRIFLUOPERAZINE HYDROCHLORIDE
 790.9180 TRIHEXYPHENIDYL HYDROCHLORIDE
 790.9220 TRIMEPRAZINE TARTRATE
 790.9260 TRIMETHOBENZAMIDE HYDROCHLORIDE
 790.9300 TRIMETHOPRIM
 790.9320 TRIMPRAMINE MALEATE
 EMERGENCY
 790.9340 TRIPELENNAMINE HYDROCHLORIDE
 790.9380 TRIPROLDINE HYDROCHLORIDE
 790.9420 TRISULFAPYRIMIDINE
 790.9460 TROPICAMIDE
 790.9475 VALPROATE SODIUM
 790.9478 VALPROIC ACID
 790.9486 VANCOMYCIN HYDROCHLORIDE
 790.9500 VERAPAMIL HYDROCHLORIDE
 790.9520 VINBLASTINE SULFATE
 790.9530 VINCRISTINE SULFATE
 790.9540 VITAMIN A

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

790.9580 VITAMIN A PALMITATE
 790.9620 WATER FOR INJECTION, STERILE
 790.9660 WATER FOR IRRIGATION, STERILE
 790.9800 XYLOSE

AUTHORITY: Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 503.14) and Section 25 of the Pharmacy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 4145).

SOURCE: Emergency amendment at 2 Ill. Reg. 18, p. 47, effective April 26, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 26, p. 150, effective July 1, 1978; emergency amendment at 2 Ill. Reg. 40, p. 98, effective October 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 51, p. 48, effective December 18, 1978; emergency amendment at 3 Ill. Reg. 2, p. 18, effective December 31, 1978, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 15, p. 147, effective April 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 27, p. 113, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 32, p. 158, effective August 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 41, p. 178, effective October 8, 1979; emergency amendment at 4 Ill. Reg. 51, p. 147, effective December 12, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 3466, effective March 25, 1981; amended at 5 Ill. Reg. 7107, effective June 24, 1981; amended at 5 Ill. Reg. 9120, effective October 1, 1981; amended at 5 Ill. Reg. 14605, effective February 1, 1982; amended at 6 Ill. Reg. 6750, effective July 1, 1982; amended at 6 Ill. Reg. 11558, effective September 15, 1982; amended at 6 Ill. Reg. 15195, effective December 15, 1982; amended at 7 Ill. Reg. 7110, effective July 1, 1983; amended at 7 Ill. Reg. 13270, effective October 1, 1983; amended at 7 Ill. Reg. 16924, effective January 1, 1984; amended at 8 Ill. Reg. 2162, effective March 1, 1984; amended at 8 Ill. Reg. 8513, effective July 1, 1984; codified at 8 Ill. Reg. 13402; amended at 8 Ill. Reg. 22108, effective November 1, 1984; amended at 9 Ill. Reg. 4071, effective April 1, 1985; amended at 9 Ill. Reg. 6816, effective May 1, 1985; amended at 10 Ill. Reg. 253, effective January 1, 1986; amended at 10 Ill. Reg. 8814, effective May 15, 1986; amended at 11 Ill. Reg. 3565, effective February 23, 1987; amended at 11 Ill. Reg. 9223, effective May 15, 1987; amended at 11 Ill. Reg. 14382, effective August 15, 1987; amended at 12 Ill. Reg. 1823, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1984, effective January 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 7743, effective April 15, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 9153, effective May 13, 1988; amended at 12 Ill. Reg. 10133, effective May 31, 1988, emergency amendment at 12 Ill. Reg. 10745, effective June 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12846, effective July 29, 1988; emergency amendment at 12 Ill. Reg. 13255, effective August 5, 1988, for a maximum of 150 days, emergency expired January 2, 1989; amended at 12 Ill. Reg. 15101, effective September 16, 1988; emergency amendment at 12 Ill. Reg. 16937, effective October 7,

1988, for a maximum of 150 days; amended at 13 Ill. Reg. 856, effective January 6, 1989; emergency amendment at 13 Ill. Reg. 3108, effective February 28, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8890, effective May 26, 1989, and January 1, 1990; amended at 13 Ill. Reg. 11717, effective July 14, 1989; corrected at 13 Ill. Reg. 12909; emergency amendment at 13 Ill. Reg. 12990, effective August 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 14477; emergency amendment at 13 Ill. Reg. 17101, effective October 13, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19970, effective December 8, 1989; emergency amendment at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 3184, effective February 16, 1990.

AGENCY NOTE: The text of Sections 790.2097, 790.4720, 790.9048 and 790.9084 which appear below do not include the emergency amendments adopted at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days. The copies filed with the Administrative Code Unit reflect both emergency rules.

SUBPART B: APPROVED DRUG PRODUCTS FOR DRUG PRODUCT SELECTION

Section 790.580 ACETAMINOPHEN; PROPOXYPHENE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Acetaminophen; Propoxyphene HCl Brand(s)	tab 650mg;65mg tab 650mg;650mg	Cord Mylan
Dolene AP-65 Wygesic	tab 650mg;650mg tab 650mg;650mg	Lederle/Am Cyanamid Wyeth

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.740 ALBUTEROL SULFATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Albuterol Sulfate	tab eq 2.4mg base* tab eq 2.4mg base* tab eq 2.4mg base* tab eq 2.4mg base* tab eq 2.4mg base*	American Therapeutics Hiocraft Cord Mutual Siddmak
Brand(s)	soln for inh1 eq 0.5% base soln for inh1 eq 0.5% base syr eq 2mg base/5ml syr eq 2mg base/5ml tab eq 2.4mg base*	Schering Glaxo Schering Glaxo Schering

Ventolin tab eq 2.4mg base* Glaxo

*Delayed effective date. Brand products are protected by patent and are not eligible for drug product selection until December 5, 1989.

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.920 AMOXAPINE

ORUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Amoxapine Brand(s)	tab 25,50,100,150mg	Watson
Asendin	tab 25,50,100,150mg	Lederle/Am Cyanamid

(Source: Added at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.1140 ASPIRIN; BUTALBITAL; CAFFEINE

ORUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Aspirin; Butalbital; Caffeine	cap 325mg;50mg;40mg cap 325mg;50mg;40mg tab 325mg;50mg;40mg tab 325mg;50mg;40mg tab 325mg;50mg;40mg tab 325mg;50mg;40mg tab 325mg;50mg;40mg tab 325mg;50mg;40mg tab 325mg;50mg;40mg tab 325mg;50mg;40mg tab 325mg;50mg;40mg	Chelsea Zenith Boots Chelsea Halsey Pharmafair Purepac/Kalipharma Quantum West-Ward Zenith
Brand(s)	cap 325mg;50mg;40mg cap 325mg;50mg;40mg cap 325mg;50mg;40mg tab 325mg;50mg;40mg tab 325mg;50mg;40mg tab 325mg;50mg;40mg	Cord Sandoz Lannett Cord Sandoz Lannett

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 790.1686 BRETIVLIUM TOSYLATE; DEXTROSE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Bretivlium Tosylate; Dextrose	inj 200mg/100ml; 5gm/100ml	Abbott
	inj 400mg/100ml; 5gm/100ml	Abbott
	inj 800mg/100ml; 5gm/100ml	Abbott
	inj 200mg/100ml; 5gm/100ml	Baxter
	inj 400mg/100ml; 5gm/100ml	Baxter
	inj 200mg/100ml; 5gm/100ml	Kenda11 McGaw
	inj 400mg/100ml; 5gm/100ml	Kenda11 McGaw

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.2097 CEPHALEXIN

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Cephalexin	cap	Atral Labs
	cap, pwdr for susp, tab	Barr
	cap, pwdr for susp	Biocraft
	cap	Jerome Stevens
	cap, pwdr for susp	Leimmon
	cap	Marsam
	cap	MJ Pharmaceuticals
	cap, pwdr for susp	Novopharm
	cap	Purepac/Kalipharma
	cap	Squibb Mark
	cap, pwdr-fer-susp	TAG-Pharms
	cap, pwdr for susp, tab	Vitarine
	cap	Yoshitomi
	cap	Zenith
Brand(s) Keflex Keflet	cap, pwdr for susp	Lilly
	tab	Lilly

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.2902 CYTARABINE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Cytarabine	inj 100,500mg/vial	Ben Venue

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Brand(s)
Cytosar-U
inj 100,500mg/vial Upjohn
(Source: Added at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.2940 DEXAMETHASONE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Dexamethasone	elix 0.5mg/5ml	Naska
	elix 0.5mg/5ml	National Pharm/Barre
	elix 0.5mg/5ml	Pharmaceutical Basics
	susp, opth 0.1%	Steris
Brand(s) Decadron Hexadrol Maxidex	elix 0.5mg/5ml	MSD/Merck
	elix 0.5mg/5ml	Organon/Akzona
	susp, opth 0.1%	Alcon

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.2980 DEXAMETHASONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Dexamethasone; Neomycin Sulfate; Polymyxin B Sulfate	oint, opth 0.1%; eq 3.5mg base/gm;	Fougera
	10,000U/gm	
	susp, opth 0.1%; eq 3.5mg base/ml;	Steris
	10,000U/ml	
Brand(s) Dexacidin	oint, opth 0.1%; eq 3.5mg base/gm;	Iolab
	10,000U/gm	
Dexasporin	oint, opth 0.1%; eq 3.5mg base/gm;	Pharmafair
	10,000U/gm	
Maxitrol	oint, opth 0.1%; eq 3.5mg base/gm;	Alcon
	10,000U/gm	
Dexacidin	susp, opth 0.1%; eq 3.5mg base/ml	Iolab
	10,000U/ml	

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Dexasporin	susp, opnth 0.1%; eq 3.5 mg base/ml 10,000U/ml	Pharmafair	cap, enteric coated* pellets 250mg	Barr
Maxitrol	susp, opnth 0.1%; eq 3.5mg base/ml 10,000U/ml	Alcon	oint, opnth 5mg/gm	Altana/Fougera/ Pharmaderm Pharmafair Lilly Naska National Pharm/Barre Pharmaceutical Basics Pharmafair
(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)				
Section 790.3350 DOXORUBICIN HYDROCHLORIDE				
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER	Brand(s)	
Doxorubicin Hydrochloride	inj 2mg/ml inj 10,20,50mg/vial	Ben Venue Ben Venue	Eryc* Ilotycin A/T/S C-Solve 2 ETS 2% Eryderm Erymax Sansac Staticin T-Stat Erycette T-Stat E-Base*	Parke-Davis/W-L Lilly/Dista Hoechst-Roussel Syosset Paddock Abbott Herbert/Allergan Owen Westwood Westwood Ortho Westwood Barr
Adriamycin PFS Adriamycin RDF Rubex	inj 2mg/ml inj 10,20,50mg/vial inj 10,50mg/vial	Adria Adria Bristol/B-M		
(Source: Added at 14 Ill. Reg. 3184, effective February 16, 1990)				
Section 790.3440 DROPERIDOL; FENTANYL CITRATE				
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER		
Droperidol; Fentanyl Citrate	inj 2.5mg/ml;eq 0.05mg base/ml inj 2.5mg/ml;eq 0.05mg base/ml	Abbott Astra		Boots Abbott Dista/Lilly
Brand(s) Innovar	inj 2.5mg/ml;eq 0.05mg base/ml	Janssen		Robins
(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)				
Section 790.3620 ERYTHROMYCIN				
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER		
Erythromycin	cap, enteric coated* pellets 250mg cap, enteric coated* pellets 250mg	Abbott American Therapeutics		

*Erythromycin enteric coated tablets and capsules containing enteric coated pellets were admitted to the Illinois Formulary as exceptions to the promulgated criteria and were approved by a majority vote of the Technical Advisory Council, pursuant to Rule 790.60.

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 790.4396 HALOPERIDOL

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Haloperidol	tab 0.5,1,2,5,10,20mg tab 0.5,1,2,5,10,20mg tab 0.5,1,2,5,10,20mg tab 0.5,1,2,5mg tab 0.5,1,2,5,10,20mg tab 0.5,1,2,5,10,20mg tab 0.5,1,2,5mg tab 0.5,1,2,5,10,20mg tab 0.5,1,2,5,10,20mg tab 0.5,1,2,5mg tab 0.5,1,2,5,10,20mg tab 0.5,1,2,5,10,20mg tab 0.5,1,2,5,10,20mg	Barr Bolar Cord Danbury Duramed Invamed Mylan Par Purepac/Kalipharma Quantum Roxane Royce Searle McNeil

Brand(s)

Hal1dol

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.4667 HYDROCHLOROTHIAZIDE; LISINAPRIL

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Brand(s) Prinzide 12.5* Prinzide 25*	tab 12.5mg;20mg tab 25mg;20mg	Merck/MSD Merck/MSD

*Products manufactured by this brand name manufacturer in this drug entity are available for drug product selection under other brand and/or generic names.

(Source: Added at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.4670 HYDROCHLOROTHIAZIDE; METHYLDOPA

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydrochlorothiazide; Methyldopa	tab 15mg;250mg tab 25mg;250mg tab 30mg;500mg tab 50mg;500mg	Bolar Bolar Bolar Bolar

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Cord	tab 15mg;250mg	Cord
Cord	tab 25mg;250mg	Cord
Cord	tab 30mg;500mg	Cord
Cord	tab 50mg;500mg	Cord
Danbury	tab 15mg;250mg	Danbury
Danbury	tab 25mg;250mg	Danbury
Danbury	tab 30mg;500mg	Danbury
Danbury	tab 50mg;500mg	Danbury
Invamed	tab 15mg;250mg	Invamed
Invamed	tab 25mg;250mg	Invamed
Lederle/Am Cyanamid	tab 15mg;250mg	Lederle/Am Cyanamid
Lederle/Am Cyanamid	tab 25mg;250mg	Lederle/Am Cyanamid
Lederle/Am Cyanamid	tab 30mg;500mg	Lederle/Am Cyanamid
Lederle/Am Cyanamid	tab 50mg;500mg	Lederle/Am Cyanamid
Mylan	tab 15mg;250mg	Mylan
Mylan	tab 25mg;250mg	Mylan
Novopharm	tab 15mg;250mg	Novopharm
Novopharm	tab 25mg;250mg	Novopharm
Novopharm	tab 30mg;500mg	Novopharm
Novopharm	tab 50mg;500mg	Novopharm
Par	tab 15mg;250mg	Par
Par	tab 25mg;250mg	Par
Par	tab 30mg;500mg	Par
Par	tab 50mg;500mg	Par
Parke-Davis/W-L	tab 15mg;250mg	Parke-Davis/W-L
Parke-Davis/W-L	tab 25mg;250mg	Parke-Davis/W-L
Parke-Davis/W-L	tab 30mg;500mg	Parke-Davis/W-L
Parke-Davis/W-L	tab 50mg;500mg	Parke-Davis/W-L
Purepac/Kalipharma	tab 15mg;250mg	Purepac/Kalipharma
Purepac/Kalipharma	tab 25mg;250mg	Purepac/Kalipharma
Purepac/Kalipharma	tab 30mg;500mg	Purepac/Kalipharma
Purepac/Kalipharma	tab 50mg;500mg	Purepac/Kalipharma
Watson	tab 15mg;250mg	Watson
Watson	tab 25mg;250mg	Watson
Watson	tab 30mg;500mg	Watson
Watson	tab 50mg;500mg	Watson
Zenith	tab 15mg;250mg	Zenith
Zenith	tab 25mg;250mg	Zenith
Zenith	tab 30mg;500mg	Zenith
Zenith	tab 50mg;500mg	Zenith
MSD/Merck	tab 15mg;250mg	MSD/Merck
MSD/Merck	tab 25mg;250mg	MSD/Merck
MSD/Merck	tab 30mg;500mg	MSD/Merck
MSD/Merck	tab 50mg;500mg	MSD/Merck

Brand(s)

Aldoril 15

Aldoril 25

Aldoril D30

Aldoril D50

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 790.4680 HYDROCHLOROTHIAZIDE; PROPRANOLOL HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	MANUFACTURER
Hydrochlorothiazide; Propranolol Hydrochloride	tab 25mg;40mg	Barr
	tab 25mg;80mg	Barr
	tab 25mg;40mg	Chelsea
	tab 25mg;80mg	Chelsea
	tab 25mg;40mg	Cord
	tab 25mg;80mg	Cord
	tab 25mg;40mg	Duramed
	tab 25mg;80mg	Duramed
	tab 25mg;40mg	Invamed
	tab 25mg;80mg	Invamed
	tab 25mg;40mg	Mylan
	tab 25mg;80mg	Mylan
	tab 25mg;40mg	Purepac/Kalipharma
	tab 25mg;80mg	Purepac/Kalipharma
	tab 25mg;40mg	Sidmak
	tab 25mg;80mg	Sidmak
Brand(s)	tab 25mg;40mg	Warner Chilcott/W-L
	tab 25mg;80mg	Warner Chilcott/W-L
	tab 25mg;40mg	Zenith
	tab 25mg;80mg	Zenith
Inderide 40/25 Inderide 80/25	tab 25mg;40mg	Wyeth Ayerst/AMHO
	tab 25mg;80mg	Wyeth Ayerst/AMHO

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.4720 HYDROCHLOROTHIAZIDE; TRIAMTERENE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydrochlorothiazide;	eap-25mg;50mg	BetaP
Triamterene	eap-25mg;50mg	Vitarine
	tab 50mg; 75mg	American Therapeutics
	tab 50mg; 75mg	Barr
	tab 50mg; 75mg	Cord
	tab 50mg; 75mg	Par
	tab 50mg; 75mg	Danbury
	tab 50mg; 75mg	Quantum
	tab 50mg; 75mg	Vitarine

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Brand(s)	Strength	Manufacturer
Byazide	eap-25mg; 50mg	SKF
Maxzide	tab 50mg; 75mg	Mylan

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.4740 HYDROCORTISONE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydrocortisone	cream 0.5,1%	Altana
	cream 1,2.5%	Ambix/Organics
	cream 0.5,1,2.5%	Biocraft
	cream 0.5,1,2.5%	Clay-Park
	cream 2.5%	Fougere/Pharmaderm/Altana
	cream 1%	G & W Lab
	cream 0.5,1%	Ingram
	cream 1%	Lemmon
	cream 2.5%	NMC Labs
	cream 1,2.5%	Naska
	cream 1,2.5%	Pharmaceutical Basics
	cream 1,2.5%	Pharmaderm/Altana
	cream 1%	Pharmafair
	cream 0.5,1%	Stanlabs/Simpak
	cream 0.5,1,2.5%	Thames
	cream 1%	Topiderm
	cream 1%	Towne Paulsen
	lotion 0.5,1%	Clay-Park
	lotion 0.5%	Mericon
	lotion 1%	Naska
	lotion 0.5,1%	National Pharm/Barre
Brand(s)	lotion 1%	Thames
	oint 0.5,1%	Altana
	oint 1,2.5%	Ambix/Organics
	oint 1%	Carolina Medical
	oint 0.5,1,2.5%	Clay-Park
	oint 1%	Naska
	oint 1,2.5%	Pharmaceutical Basics
	oint 1%	Pharmaderm/Altana
	oint 0.5,1,2.5%	Thames
	cream 1%	Del-Ray
	cream 0.5,1%	Miles
	cream 1%	Reid-Rowell
	cream 1%	Thames

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Flxicort	cream 0.5,1,2.5%	Westwood
H Cort	cream 0.5	Pharm Assoc/Beach
HC	cream 0.5,1%	C & M
HC #1	cream 0.5%	Miles
HC #4	cream 1%	Miles
HfCor	cream 2.5%	C & M
Hydrotex	cream 0.5,1%	Syosett
Hymac	cream 1%	NMC
Hytone	cream 1,2.5%	Dermik/Rorer
Nutracort	cream 0.5,1%	Owen/Derm
Penecort	cream 1,2.5%	Herbert/Allergan
Proctocort	cream 0.5%	Reid-Rowell
Synacort	cream 0.5,1,2.5%	Syntex
Nutracort	gel 1%	Owen/Derm
Penecort	gel 1%	Herbert/Allergan
Acticort	lotion 1%	Key
Ala-Cort	lotion 1%	Del-Ray
Balneo-HC	lotion 1%	Reid-Rowell
Beta-HC	lotion 1%	Beta Dermaceuticals
Cetacort	lotion 0.5,1%	Owen/Derm
Cort-Dome	lotion 0.5,1%	Miles
Dermacort	lotion 0.5,1%	Reid-Rowell
Epicort	lotion 0.5%	Bluline
Glycort	lotion 1%	Heran
H Cort	lotion 0.5%	Pharm Assoc/Beach
Hytone	lotion 1,2.5%	Dermik/Rorer
Nutracort	lotion 0.5,1,2.5%	Owen/Derm
Stie-Cort	lotion 1,2.5%	Stiefel
Texacort	lotion 1%	Coopercare
Cortril	oint 1,2.5%	Pfipharmecs/Pfizer
HC	oint 0.5,1%	C & M
Hymac	oint 1%	NMC
Hytone	oint 1,2.5%	Dermik/Rorer
Penecort	oint 2.5%	Herbert/Allergan

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.5620 LIDOCAINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Lidocaine Hydrochloride	inj 0.5,1,1.5,2.4,10,20%	Abbott
	inj 1,2%	Bel Mar
	inj 1,2%	Bristol
	inj 1,2%	Cutter
	inj 1,2%	Dell

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

	inj 0.5,1,2.4%	Elkins-Sinn
	inj 2%	Graham
	inj 1,2,4,20%	IMS
	inj 1,2%	Lenmon
	inj 1,2%	Luitpold
	inj 1,1.5,2.4,20%	LypoMed
	inj 1,2%	Maurry
	inj 1,2%	Steris
	inj 1,2%	Wyeth
	inj 1,2%	IMS
	jelly 2%	Paco Research
	soln, top 4%	Pharmaceutical Basics
	soln, top 4%	IMS
	soln, viscous 2%	National Pharm/Barre
	soln, viscous 2%	Pharmaceutical Basics
	soln, viscous 2%	Roxane
	inj 2%	Carlisle
	inj 1%	Astra
	jelly 2%	Astra
	soln, top 4%	Astra
	soln, viscous 2%	Astra

Product labelled for intracardiac use may not be interchanged.

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.5720 LISINAPRIL

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
	tab 5,10,20,40mg	MSD/Merck*
	tab 5,10,20,40mg	Imperial Chem

*Products-manufactured-by-this-brand-name-manufacturer-in-this-drug-entity are-available-for-drug-product-selection-under-other-brand-or-generic-names-

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 790.5872 MEPERIDINE HYDROCHLORIDE

DRUG	OOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Meperidine Hydrochloride	inj 10mg/ml inj 25,50,75,100mg/ml inj 25,50,75,100mg/ml inj 10mg/ml inj 50,75,100mg/ml inj 25,50,75,100mg/ml syr 50mg/5ml tab 50,100mg tab 50mg	Abbott Astra Eli Lilly-Sinn/Robins IMS Parke-Davis/W-L Wyeth Ayerst/AMHO Roxane Barr Wyeth Ayerst/AMHO
Brand(s) Omeperol Omeperol Demerol Pethadol	inj 25,50,75,100mg/ml syr 50mg/5ml tab 50,100mg/ml tab 50,100mg/ml	Winthrop-Breon/Sterling Winthrop-Breon/Sterling Winthrop-Breon/Sterling Halsey

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.6275 METHYLDOPA

DRUG	OOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Methyldopa	tab 125,250,500mg tab 125,250,500mg tab 125,250,500mg tab 125,250,500mg tab 250,500mg tab 250,500mg tab 125,250,500mg tab 125,250,500mg tab 125,250,500mg tab 125,250,500mg tab 125,250,500mg tab 125,250,500mg tab 125,250,500mg tab 125,250,500mg tab 250,500mg tab 125,250,500mg	Barr Bolar Chelsea Cord Danbury Ouramed Halsey Lederle/Am Cyanamid Mylan Novopharm Par Parke-Davis/W-L Purepac/Kalipharma Roxane Siddmak Superpharm Zenith
Brand(s) Aldomet	tab 125,250,500mg tab 125,250,500mg	MSO/Merck

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 790.6340 METHYLTESTOSTERONE

DRUG	OOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Brand(s) Android 10 Android 25 Metadren	tab, oral 10mg tab, oral 25mg tab, oral 10,25mg	Brewer ICN Pharms Brewer ICN Pharms Ciba-Geigy
(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)		
Section 790.6370 METOCLOPRAMIDE HYDROCHLORIDE		

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Metoclopramide Hydrochloride	inj eq 5mg base/ml inj eq 5mg base/ml inj eq 5mg base/ml inj eq 5mg base/ml inj eq 5mg base/ml inj eq 10mg base/2ml syr eq 5mg base/5ml syr eq 5mg base/5ml syr eq 5mg base/5ml syr eq 5mg base/5ml syr eq 5mg base/5ml tab eq 10mg base tab eq 10mg base tab eq 10mg base tab eq 10mg base tab eq 10mg base tab eq 10mg base tab eq 5,10mg base tab eq 10mg base tab eq 10mg base tab eq 10mg base tab eq 10mg base tab eq 10mg base tab eq 10mg base tab eq 10mg base tab eq 10mg base inj eq 5mg base/ml inj eq 5mg base/ml syr eq 5mg base/5ml	Abbott DuPont Critical Care Lyphomed Maurry Quad Solopak Biocraft National Pharm/Barre Paco Research Pharmaceutical Basics Roxane Barr Biocraft Bolar Chelsea Danbury Halsey Interpharm Invamed Martec Par Pharmaceutical Basics Purepac/Kalipharma Siddmak Superpharm Watson Oavid Bull Labs Robins Robins
Brand(s) Octamide PFS Reglan Reglan	inj eq 5mg base/ml inj eq 5mg base/ml syr eq 5mg base/5ml	

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Clopra
Maxolon
Reglan

tab eq 5,10mg base
tab eq 10mg base
tab eq 5,10mg base

Quantum
Beecham
Robins

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.6452 NALBUPHINE HYDROCHLORIDE

DRUG

Nalbuphine Hydrochloride

DOSAGE FORM, STRENGTH

inj 10,20mg/ml
inj 10,20mg/ml
inj 10,20mg/ml
inj 10,20mg/ml

APPLICATION HOLDER,
MANUFACTURER

Abbott
Astra
LyphoMed
Quad

Brand(s)
Nubain

inj 10,20mg/ml

Dupont

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.6456 NALOXONE HYDROCHLORIDE

DRUG

Naloxone Hydrochloride

DOSAGE FORM, STRENGTH

inj 0.02,0.4mg/ml
inj 0.02,0.4,1mg/ml
inj 0.02,0.4,1mg/ml
inj 0.4,1mg/ml
inj 0.2,1mg/ml
inj 0.02,0.4mg/ml
inj 0.4mg/ml
inj 0.02,0.4,1mg/ml
inj 0.02,0.4mg/ml
inj 0.02,0.4mg/ml
inj 0.02,0.4mg/ml
inj 0.02,0.4mg/ml

APPLICATION HOLDER,
MANUFACTURER

Abbott
Astra
Elkins-Sinn/Robins
IMS
Luitpold
LyphoMed
Marsam
Quad
SoloPak
Steris
Winthrop-Breon/Sterling
Wyeth

Brand(s)
Narcan

inj 0.02,0.4,1mg/ml

DuPont

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 790.7278 POTASSIUM BICARBONATE

DRUG

Brand(s)
Effer-K
Klor-Con EF
K-Lyte

DOSAGE FORM, STRENGTH

tab, effervescent 25mEq
tab, effervescent 25mEq
tab, effervescent 25mEq

APPLICATION HOLDER,
MANUFACTURER

Nomax
CFH Laboratories
Mead Johnson/B-M

Effervescent Potassium Bicarbonate tablets for oral solution were reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Added at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.7280 POTASSIUM CHLORIDE

DRUG

Potassium Chloride

DOSAGE FORM, STRENGTH

inj 1,2mEq/ml
inj 1,2,3,4mEq/ml
inj 2mEq/ml
inj 2mEq/ml
inj 1,2,3,4mEq/ml
inj 2,3mEq/ml
inj 2mEq/ml
inj 2,3mEq/ml
inj 2mEq/ml
inj 2mEq/ml
inj 2,3mEq/ml
inj 2mEq/ml
inj 2mEq/ml
inj 2mEq/ml
soln 1500mg/15ml
(20mEq/15ml,10%)
soln 3000mg/15ml
(40mEq/15ml,20%)
soln 1500mg/15ml
(20mEq/15ml,10%)
soln 1500mg/15ml
(20mEq/15ml,10%)
soln 3000mg/15ml
(40mEq/15ml,20%)
tab, extended release
8mEq (600mg)

APPLICATION HOLDER,
MANUFACTURER

Abbott
Cutter
Elkins-Sinn/Robins
IMS
Kendall McGaw
Lemmon
Lilly
LyphoMed
Maurry
Natcon
Searle
Steris
Torigian
Travenol
Naska
Naska
Pharmaceutical Basics
Pharmaceutical Basics
Pharmaceutical Basics
Copley

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Brand(s)			
Gen-K	powdr, 20mEq/pkt	Howard Foods/ USA American	
K-Lor	powdr, 20mEq/pkt	Abbott	
Kato	powdr, 20mEq/pkt	TCN Pharms	
Kay Ciel	powdr, 20mEq/pkt	Forest/Inwood	
Klor-Con	powdr, 20mEq/pkt	Upsher-Smith	
Cena-K	soln 1500mg/15ml	Century	
	(sugar free)		
	(20mEq/15ml, 10%)		
EM-K-10%	soln 1500mg/15ml	Econo Med	
	(sugar free)		
	(20mEq/15ml, 10%)		
Kaochlor 10%	soln 1500mg/15ml	Adria	
	(20mEq/15ml, 10%)		
Kaochlor SF	soln 1500mg/15ml	Adria	
	(20mEq/15ml, 10%)		
Kay Ciel	soln 1500mg/15ml	Forest/Inwood	
	(sugar free)		
	(20mEq/15ml, 10%)		
Klor-10%	soln 1500mg/15ml	Upsher-Smith	
	(sugar free)		
	(20mEq/15ml, 10%)		
Klorvess 10%	soln 1500mg/15ml	Sandoz	
	(20mEq/15ml, 10%)		
Potsalan	soln 1500mg/15ml	Adria	
	(sugar free)		
	(20mEq/15ml, 10%)		
Kaon-CI 20%	soln 3000mg/15ml	Adria	
	(sugar free)		
	(40mEq/15ml, 20%)		
Klor Con 20%	soln 3000mg/15ml	Upsher-Smith	
	(40mEq/15ml, 20%)		
Slow-K	tab, extended release 8mEq (600mg)	Ciba/Geigy	

Products containing sugar shall not be interchanged with sugar free products without verification of the diabetic status of the patient.

The Oral Potassium Chloride solutions and powders for solutions were reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.7340 PREDNISOLONE ACETATE; SULFACETAMIDE SODIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Prednisolone Acetate; Sulfacetamide Sodium	susp, opth 0.2%; 10%	Pharmafair

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Brand(s)			
Predsulfar	oint,opth 0.5%;10%	Pharmafair	
Vasocidin	oint,opth 0.5%;10%	Iolab	
Blephamide	susp,opth 0.2%;10%	Allergan	
Metimyd	susp,opth 0.5%;10%	Schering	
Predamide	susp,opth 0.5%;10%	Maurry	
Predsulfar	susp,opth 0.5%;10%	Pharmafair	
Sulphrin	susp,opth 0.5%;10%	Mure Bausch & Lomb	

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.7400 PREDNISONE			
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER	
Prednisone	oral sol'n 5mg/5ml	Pharmaceutical Basics	
	oral sol'n 5mg/5ml	Roxane	
	tab 5,10,20mg	American Therapeutics	
	tab 5,10,20mg	Barr	
	tab 5,10,20,50mg	Chelsea	
	tab 5,20mg	Cord	
	tab 5,10,20mg	Danbury	
	tab 5,10,20mg	Duramed	
	tab 5mg	Halsey	
	tab 5,10,20mg	Interpharm	
	tab 5,10,20mg	Mutual	
	tab 5,20mg	Private Formulations	
	tab 5,10,20mg	Purepac	
	tab 1,2,5,5,10,20,25,50mg	Roxane	
	tab 5,10,20mg	Superpharm	
	tab 10mg	Towne-Paulsen	
	tab 5,10,20,50mg	West-Ward	
	oral sol'n 5mg/5ml	Upjohn	
	tab 5,10,20,50mg	Upjohn	
	tab 1,5,10,20,50mg	Reid-Rowell	

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.7500 PROCAINAMIDE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Procaïnamide Hydrochloride	cap 250, 375, 500mg cap 250, 500mg	(Ascot) Bolar

cap 250,375,500mg	Chelsea
cap 250,375,500mg	Cord
cap 250,375,500mg	Danbury
cap 250,500mg	Lannett
cap 250,375,500mg	Lederle/Am Cyanamid
cap 250,500mg	Roxane
cap 250,500mg	(Vanguard/MMM)
cap 250,375,500mg	Zenith
inj 100,500mg/ml	Abbott
inj 100,500mg/ml	Elkins-Sinn/Robins
inj 100,500mg/ml	IMS
inj 100,500mg/ml	LyphoMed
inj 100,500mg/ml	Pharmafair
inj 100,500mg/ml	Quad
inj 100,500mg/ml	Solopak
inj 100,500mg/ml	Steris
inj 100,500mg/ml	Sterling
inj 500mg/ml	Warner Chilcott/W-L
inj 100,500mg/ml	Bolar
tab, controlled release	Copley
250,500,750,1000mg	
tab, controlled release	Cord
500,750mg	
tab, controlled release	Danbury
250,500,750mg	
tab, controlled release	Forest/Inwood
500mg	
tab, controlled release	Invamed
500mg	
cap 375mg	Parke-Davis-W/L
cap 250mg	Panray/Orrmont
cap 250,375,500mg	Squibb
inj 100,500mg/ml	Squibb
tab, controlled release	Parke-Davis/W-L
250,500,750,1000mg	
tab, controlled release	Sidmak
250,500mg	

Brand(s)
Procan
Procapan
Pronestyl
Pronestyl
Procan-SR
Rhythmin

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.7828	PROPRANOLOL HYDROCHLORIDE	
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Propranolol Hydrochloride	cap, extended release 60,80,120,160mg	Forest
	inj 1mg/ml	Solopak
	oral soln 20mg/5ml	Pharmaceutical Basics
	oral soln 40mg/5ml	Pharmaceutical Basics
	oral soln 20mg/5ml	Roxane
	oral soln 40mg/5ml	Roxane
	tab 10,20,40,60,80mg	Barr
	tab 10,20,40,60,80mg	Bolar
	tab 10,20,40,60,80mg	Chelsea
	tab 10,20,40,60,80mg	Cord
	tab 10,20,40,60,80,90mg	Danbury
	tab 10,20,40,60,80,90mg	Duramed
	tab 10,20,40,80mg	Interpharm
	tab 10,20,40,60,80,90mg	Invamed
	tab 10,20,40,60,80,90mg	Lederle/Am Cyanamid
	tab 10,20,40mg	Lemmon
	tab 10,20,40,60,80mg	Martec
	tab 10,20,40,60,80mg	Mylan
	tab 10,20,40,60,80,90mg	Par
	tab 10,20,40,60,80mg	Parke-Davis/W-L
	tab 10,20,40,60,80mg	Purepac/Kalipharma
	tab 10,20,40,60,80,90mg	Roxane
	tab 10,20,40,60,80,90mg	Sidmak
	tab 10,20,40,60,80,90mg	Sterling
	tab 10,20,40,80mg	Superpharm
	tab 10,20,40,60,80,90mg	Watson
	tab 10,20,40,60,80mg	Zenith
	cap, extended release 60,80,120,160mg	Wyeth Ayerst/AMHO
	inj 1mg/ml	Wyeth Ayerst/AMHO
	tab 10,20,40,60,80,90mg	Wyeth Ayerst/AMHO

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.8420 SULFACETAMIDE SODIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Sodium Sulfacetamide	oint, ophth 10%	Fougera/Aitana

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Brand(s)		Barnes-Hind
Bleph-10	soln, opth 10%, 30%	Maurry
Cetamide	soln, opth 10%, 15%, 30%	Steris
Sodium Sulamyd	soln, opth 10%, 30%	
Sulfair-10	oint, opth 10%	Allergan
Bleph-10	oint, opth 10%	Alcon
Bleph-30	oint, opth 10%	Schering
Isopto Cetamide	oint, opth 10%	Pharmafair
Ocusulf-10	oint, opth 10%	Allergan
Ocusulf-30	soln, opth 10%	Alcon
Sodium Sulamyd	soln, opth 15%	Optotics
Sulf-10	soln, opth 30%	Schering
Sulfacel-15	soln, opth 10%, 30%	Iolab
Sulfair-10	soln, opth 10%	Optotics
Sulfair-15	soln, opth 15%	Pharmafair
Sulfair Forte	soln, opth 15%	Pharmafair
Sulfen-10	soln, opth 30%	Pharmafair
	soln, opth 10%	Mure Bausch & Lomb

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.8940 THEOPHYLLINE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Theophylline	elix 80mg/15ml	Bell
	elix 80mg/15ml	Halsey
	elix 80mg/15ml	Life
	elix 80mg/15ml	Naska
	elix 80mg/15ml	National Pharm/Barre
	elix 80mg/15ml	Pharm Assoc/Beach
	elix 80mg/15ml	Pharmaceutical Basics
	elix 80mg/15ml	Roxane
	elix 80mg/15ml	Thames
	soln 80mg/15ml	Roxane
	syr 80mg/15ml	National Pharm/Barre
	syr 150mg/15ml	National Pharm/Barre
Brand(s)		
Elixomin	elix 80mg/15ml	HR Cenci
Elixophyllin	elix 80mg/15ml	Berlex
Lanophyllin	elix 80mg/15ml	Lannett
Theolixir	elix 80mg/15ml	Panray/Ormont
Theolair	soln 80mg/15ml	Riker/3-M
Accurbron	syr 150mg/15ml	Merrell-Dow

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Aquaphyllin	syr 80mg/15ml	Ferndale
Slo-Phyllin-80	syr 80mg/15ml	Rorer
Theoclear-80	syr 80mg/15ml	Central
Theocron	tab, extended release	Forest/Inwood
	100,200,300mg	
Theodur	tab, extended release	Schering
	100,200,300mg	
(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)		
Section 790.9048 TIMOLOL MALEATE		
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Timolol Maleate	tab 5,10,20mg	Bolar
	tab 5,10,20mg	Cord
	tab 5,10,20mg	Pharmaceutical Basics
	tab 5,10,20mg	Quantum
Brand(s)		
Blocadren	tab 5,10,20mg	MSD/Merck

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

Section 790.9050 TOBRAMYCIN SULFATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Tobramycin Sulfate	inj 10,40mg/ml	Marsam
Brand(s)		
Nebein	inj 10,40mg/ml	Distal/Lilly
(Source: Added at 14 Ill. Reg. 3184, effective February 16, 1990)		
Section 790.9084 TRAZODONE HYDROCHLORIDE		
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Trazodone Hydrochloride	tab 50,100mg	American Therapeutics
	tab 50,100mg	Barr
	tab 50,100mg	Bolar
	tab 50,100mg	Chelsea
	tab 50,100mg	Danbury
	tab 50,100mg	Lemmon
	tab 50,100mg	Pharmaceutical Basics
	tab 50,100mg	Purepac/Kalipharma

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Brand(s)
Desyre1

tab 50,100mg
tab 50,100,150mg

Quantum
Sfimak

tab 50,100,150mg

Mead Johnson/B-M

(Source: Amended at 14 Ill. Reg. 3184, effective February 16, 1990)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 675
- 3) Section Numbers:
675.100 amendment
675.300 amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, . par. 3434(g)).
- 5) Effective Date of Amendments: February 15, 1990
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 9, 1990
- 9) Notice of Proposal Published in Illinois Register:
September 15, 1989, 13 Ill. Reg. 14319
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
A) Statement of Objection: _____, Ill. Reg. _____
(issue date)
B) Agency Response: _____, Ill. Reg. _____
(issue date)
C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: Pursuant to agreements with the Joint Committee on Administrative Rules, the following changes have been made:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

1. The 1988 Supplement of the Illinois Revised Statutes was cited to state: (Ill. Rev. Stat. 1988 Supp., ch. 23, par. 3434(g) as amended by Public Act 86-908, effective January 1, 1990).
2. A cross reference was added in Section 675.300(j)(3) to the rules used to determine need and the service cost maximum to state in part: "The client's service cost maximum (89 Ill. Adm. Code 685)."
3. All references to "Respite Service" were changed to "Respite Services".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

- 15) Summary and Purpose of Rule(s): These amendments are being adopted to promulgate DORS' Home Service Program's respite services. Reference to pilot projects has been deleted from Section 675.300. The title "Personal Care Attendant" has been changed to "Personal Assistant".

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 675
PROGRAM DESCRIPTION

Section	Purpose and Scope
675.100	Definitions
675.200	Service Descriptions

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, par. 3434(g) as amended by Public Act 86-908, effective January 1, 1990).

SOURCE: Adopted and codified at 7 Ill. Reg. 8918, effective July 18, 1984; amended at 9 Ill. Reg. 8173, effective June 1, 1985; amended at 11 Ill. Reg. 7746, effective April 8, 1987; amended at 12 Ill. Reg. 7712, effective April 19, 1988; amended at 12 Ill. Reg. 18240, effective October 27, 1988; amended at 13 Ill. Reg. 6768, effective April 14, 1989; amended at 14 Ill. Reg. 3222, effective February 15, 1990.

Section 675.100 Purpose and Scope

The Department of Rehabilitation Services' Home Services Program (HSP) is designed to prevent unnecessary institutionalization of individuals who may instead be satisfactorily maintained at home at less cost to the State. Home Services Program care consists of home and community based services which vary, depending on the needs and requirements of each individual client. These services include: personal care attendant assistant services; adult day care services; homemakers; maintenance home health services; home delivered meals; electronic home response services; assistive equipment; remodeling; and services to ventilator dependent clients; and respite services.

(Source: Amended at 14 Ill. Reg. 3222, effective Feb. 15, 1990.)

Section 675.300 Service Descriptions

- a) Personal Care Attendant Assistant (PGA) Services - Under the supervision of the client, or other person who has agreed to provide such supervision, the PGA may:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) perform, or assist the client with, household tasks and personal care;
- 2) perform incidental health care tasks which do not require independent judgement, with permission of the client's physician, client or family; and/or
- 3) perform minimal tasks, such as turning a client in bed during the night, or getting the client a glass of water, but primarily involves being available to provide assistance in case of a life or health threatening emergency, such as evacuation in case of fire, moving the client to a safe location in case of tornado, or calling an ambulance if required by a medical emergency.

b) Adult Day Care Service

- 1) Adult Day Care service is the direct care and supervision of clients in a community-based setting for any portion of a 24-hour day for the purpose of providing personal attention, promoting social, physical and emotional well being, and offering an alternative to institutional care.

2) This service will be available to clients within the following client precepts designated by DORS.

- A) Clients for clients who have Alzheimer's Disease or related disorders as defined in Section 3(a) of the Alzheimer's Disease Assistance Act in Ill. Rev. Stat. 1987, ch. 111 1/27 par. 6953(a).

- B) Clients for clients with disabilities.

3) The service shall be provided only under the following conditions:

- A) Adult Day Care services will be purchased only where when the social, physical or emotional needs of the client cannot be met in the home environment by other services available through the Home Services Program.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- B) The maximum daily rate for Adult Day Care services shall not exceed the rate established by the Department on Aging for said services. This rate includes meals, snacks, and in some centers transportation provided by the provider.
- C) The service cost maximum (the "Service Cost Limitation" of 89 Ill. Adm. Code 685.600(a)) for each client shall not be exceeded when Adult Day Care services are purchased in addition to other Home Services purchased by DORS.

- c) Homemaker - General support may be provided by trained and professionally supervised homemakers to maintain, strengthen, and safeguard the functioning of individuals in their own homes when no responsible and capable person is available for this purpose. Such support includes teaching of and assistance with household management and self-care.

- d) Maintenance Home Health Services - These services may be purchased for individuals at home or other non-institutional residence according to a plan of treatment for illness or infirmity prescribed or recommended by a physician or other health care professional. Maintenance Home Health Services include three basic subcategories of care: nursing care including that provided by registered and licensed practical nurses who provide direct acute health care and who also supervise the services of home health aides; therapy including the services of physical, occupational, and speech therapists; and home health aide care which includes a wide range of personal convalescent and maintenance health care tasks performed by home health aides under the supervision of nurses.

- e) Home-Delivered Meals - Prepared food brought to a client's residence during the lunch hour, consisting of a heated luncheon meal and a smaller dinner meal which can be refrigerated and eaten later, or other plan which meets the needs of the client. This service is designed primarily for clients who are unable to prepare their own meals but who are able to feed themselves.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

f) Electronic Home Response Services (EHRS).

1) The EHRS is designed to provide a 24 hour per day emergency communication link to assistance outside the home for individuals so severely disabled that they are incapable of using conventional or modified communication devices such as the telephone, and who have no other persons available in the home should an emergency arise. EHRS provides a mode by which persons with disabilities who are left alone may signal an Electronic Home Response Center and obtain help. An Electronic Home Response Center is part of a network of emergency responders.

2) This service shall be purchased only under the following conditions:

- A) EHRS will be purchased only for individuals the HSP counselor determines are able to follow instructions and who can operate the communication system. The counselor's determination is based upon observation or information from the client, providers, family or medical personnel.
- B) EHRS will be purchased only to provide services in case of emergency where the client would, without the provision of EHRS, be unable to be left alone. EHRS is also purchased to replace personal assistant care attendant services which require no active direct or indirect client care.
- C) The EHRS monthly service fee will be less than that of the provider services which would otherwise be necessary if EHRS were not purchased. The service fee will not exceed \$40.00 in any case and the one-time installation cost will not exceed \$45.00 for vendor services plus any itemized charges by local telephone company necessary for installation.
- D) DORS will rent or lease rather than purchase the devices necessary for this service.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

E) The service cost maximum for each client shall not be exceeded when EHRS (monthly rate plus installation cost) is purchased in addition to other Home Services purchased by HSP funds. If necessary to remain within the service cost maximum, the one-time installation cost can be amortized over a 3 month period.

g) Assistive Equipment

1) Assistive Equipment is tangible personal property with a useful life of at least one year, expressly designed and used for increasing independent functioning in specific tasks or activities of independent living in the home (e.g., bathing, meal preparation) that directly results in a demonstrated decrease in need for assistance from another individual in performing those tasks or activities (e.g., purchase of bath rails could decrease need for assistance for an individual to assist the client with bathing, or purchase of a microwave could reduce the need for an individual to cook for the client).

2) DORS shall approve the purchase of any equipment such as bath rails and walkers with HSP funds under the following circumstances:

- A) The purchase must be necessary to prevent institutionalization and to maintain the client in the home.
- B) All other public service and governmental resources including DORS' Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated and appropriate applications made and denied in writing before HSP dollars are used, (as documented in the counselor's case notes). The responsibility to make investigation and assist the client with application belongs to the counselor.
- C) If necessary, the purchase price can be amortized over a 12 month period to remain within the service cost maximum.

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

D) The purchase must reduce the need for an existing HSP service, prevent an increase in services to meet increased needs or allow the complete discontinuance of HSP services.

E) Purchases over \$500 require the client to select three prospective vendors. The vendors will be requested by DORS to submit estimates, based upon the purchase specifications provided by DORS.

F) There must be a prescription or recommendation from a physician, psychiatrist, or physical therapist for the purchased equipment.

3) DORS shall approve the rental of assistive equipment under the following circumstances:

A) The rental and use must be necessary to prevent institutionalization and to maintain the client in the home.

B) All other public service and governmental resources (e.g., Easter Seals, Department of Public Aid, University of Illinois Division of Services for Crippled Children) including DORS' Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated and appropriate applications made and denied in writing before HSP dollars are used, (as documented in the counselor's case notes). The responsibility to make investigation and assist the client with application belongs to the counselor.

C) The monthly rental price of the equipment, when added to other monthly service costs must not exceed the service cost maximum (see 89 Ill. Adm. Code 685.600(a)).

D) The rental must prevent an increase in existing HSP services to meet increased needs, reduce the need for an existing HSP service or allow the complete discontinuance of HSP services.

E) There must be a prescription or recommendation from a physician, psychiatrist, or physical therapist for the rented equipment.

F) The rental of equipment shall not exceed a 12 month period. The accumulative 12 month rental cost cannot exceed the purchase cost of the equipment.

G) The cumulative rental price will be applicable to the purchase price if the client's need for the equipment exceeds one year.

H) Repair and replacement of rental equipment is the responsibility of the vendor.

4) DORS shall approve the repair of assistive equipment under the following circumstances:

A) The repair and use of the assistive equipment must be necessary to prevent institutionalization and to maintain the client in the home.

B) All other public service and governmental resources (e.g., Easter Seals, Department of Public Aid, University of Illinois Division of Services for Crippled Children) including DORS' Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated and appropriate applications made and denied in writing before HSP dollars are used, (as documented in the counselor's case notes).

C) If necessary, the repair cost can be amortized over a 12 month period to remain within the service cost maximum (see 89 Ill. Adm. Code 685.600(a)).

D) The repair must prevent an increase in existing HSP services to meet increased needs.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

E) The price for repair must be cost effective considering both replacement cost and the anticipated replacement date of the equipment.

h) Remodeling is modification of a home environment to enable HSP clients to be less dependent on direct assistance from others, to help compensate for their loss of agility, strength, mobility, sensation, and to increase their safety or mobility in the home.

1) The following criteria must be met to use HSP funds for remodeling:

A) The purchase must be necessary to prevent institutionalization and to maintain the client in the home.

B) All other public service and governmental resources including DORS, Vocational Rehabilitation Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) must be investigated and appropriate applications made and denied in writing before HSP dollars are used, (as documented in the counselor's case notes). The responsibility to make investigation and assist the client with application belongs to the counselor.

C) If necessary, the purchase price, can be amortized over a 12 month period to remain within the service cost maximum.

D) The purchase must be part of or attached to the client's home (Section 675.200).

E) For purchases which cannot be detached after installation the client must either own the residence or must have permission of a landlord if renting or leasing. Counselors shall deny purchases of remodeling whenever the client's history as a tenant, the landlord's past practices, or other circumstances indicate that it is more likely than not that the client will move from the residence before the end of the period specified in subsection (C) above. In making this decision, counselors shall consider

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

whether there is in existence a 12-month lease or whether, in the absence of a lease, the client has resided at least two years at the residence to be remodeled.

F) The purchase must reduce the need for an existing HSP service, prevent an increase in service, or allow the complete discontinuance of HSP services.

2) Purchases over \$500 are subject to the same provisions as contained in subsection (g)(2)(E).

i) Home services to ventilator dependent clients with special needs

1) Ventilator dependent clients with special needs are:

A) those individuals in a hospital who meet the criteria for a Department of Public Aid (DPA) special negotiated rate (89 Ill. Adm. Code 140.569); or

B) those individuals in a nursing home who have a DPA special negotiated rate; and

C) whose costs of care in their own homes would exceed the service cost maximum.

2) Home services shall not be provided to ventilator dependent clients with special needs when the cost for this service is more than the special negotiated rate established by DPA.

j) Respite Services is temporary care for adults and children with disabilities. Aimed at relieving stress for clients' families, Respite Services shall be provided for vacation, rest, errands, family crisis or emergency.

1) Respite Services includes Personal Assistant (PA), Homemaker, and Maintenance Home Health (individual or agency) services, as described in subsections (a), (c) and (d), respectively. Respite Services may include a single type of care or a combination of services, (e.g., Personal Assistant or Personal

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Carnival and Amusement Ride Inspection Law
- 2) Code Citation: 56 Ill. Adm. Code 6000
- 3) Section Number:
6000.280
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$ par. 4051 et seq. as amended by P.A. 86-543, effective September 1, 1989.

Emergency Action
Amendment

- 5) Effective Date of Amendments: February 9, 1990

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date Filed in Agency's Principal Office: January 31, 1990

- 8) Reason for Emergency: It has been found and is hereby declared by the Carnival-Amusement Safety Board, State of Illinois, that the time constraint for obtaining a nondestructive test on a Round-Up ride places an undue hardship upon those owners. Therefore, an emergency is hereby declared to exist to provide relief to these operators while not jeopardizing the safety of the amusement riding public.

- 9) A Complete Description of the Subjects and Issues Involved: The time constraints on the Round-Up ride in Section 6000.280(d) do not allow an operator sufficient time to make repairs if the nondestructive test reveals a problem. The operating season would be well underway before any required repairs could be completed, the ride inspected and a permit issued. This delay placed an undue financial hardship on an operator. The expanded limits relieves the hardship on the owner, while the seal to prevent the operation of the ride until the time limits originally established have been met.

- 10) Are there any other proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register
6000.80	Amendment	13 Ill. Reg. 13993

- 11) Statement of Statewide Policy Objectives: Any branch of state or local government which owns or operates a Round-Up ride shall be affected in the same manner as any other operator in the State. Any additional expenditures from local revenue for compliance with the Act are considered minimal.

- 12) Information and questions regarding these emergency rules shall be directed to:

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF EMERGENCY AMENDMENTS

Name: Carl Kimble, Chief Inspector
 Address: Illinois Department of Labor
 #1 W. Old State Capitol Plaza, Room 300
 Springfield, Illinois 62701
 Telephone: 217-782-9347

The full text of the emergency amendments begins on the next page.

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARD

PART 6000
CARNIVAL AND AMUSEMENT RIDE INSPECTION LAW

Section	
6000.10	Definitions
6000.20	Exemptions
6000.30	Inspections
6000.40	Application for a Permit to Operate
6000.50	Permit and Inspection Fees
6000.60	Revocation of Permit to Operate (Repealed)
6000.65	Suspension of Permit to Operate
6000.70	Ride Design and Construction
6000.80	Insurance
6000.90	Penalties
6000.100	Appeals
6000.110	Assembly and Disassembly
6000.120	Operator Requirements
6000.130	Passenger Conduct
6000.140	Signal Systems
6000.150	Daily Inspection and Test Reports
6000.160	Maintenance
6000.180	Stop Operation Order
6000.190	Fire Prevention and Protection
6000.200	Internal Combustion Engines
6000.210	Means of Access and Egress
6000.220	Electrical Equipment
6000.230	Hydraulic Systems
6000.240	Air Compressors and Equipment
6000.250	Wire Rope
6000.260	Chain
6000.270	Inflated Amusement Attractions and Inflated Buildings
6000.280	Non-Destructive Testing
EMERGENCY	
6000.290	Ski Lifts, Aerial Tramways, and Rope Tows
6000.300	Go-Karts, Dune Buggies and All-Terrain Vehicles
6000.310	Water Slides
6000.320	Dry Type Slides

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4051 et seq. as amended by P.A. 86-543, effective September 1, 1989).

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF EMERGENCY AMENDMENTS

Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days, emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective Feb. 9, 1990, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

Section 6000.280 Non-Destructive Testing
EMERGENCY

- a) Operators shall provide the Department with a certificate of non-destructive testing for each part which the manufacturer recommends testing or the Board requires to be tested.
- b) Persons performing non-destructive testing on amusement ride components shall be qualified to NDT Level II or NDT Level III, in accordance with the American Society for Nondestructive Testing Recommended Practice No. SNT-TC-1A. The American Society for Nondestructive Testing Recommended Practice No. SNT-TC-1A, 1984 Edition, is hereby incorporated by reference and does not include any later editions, amendments, or corrections. Only individuals qualified may perform non-destructive testing on amusement ride components. The Department may require qualifications of personnel or accept previous qualification at their option.
- c) The Board shall direct the Department to require the non-destructive testing of any part, which if failure were to occur, would result in a major breakdown. The Board shall designate the part(s) to be tested, the date by which the initial test certificate shall be submitted to the Department and the frequency at which the test is to be repeated.
- d) The Department shall maintain a listing of all ride components requiring non-destructive testing. Such certificates are required for the following as of June 24, 1988:

RIDE NAME	COMPONENT	FREQUENCY
Round-Up	Main boom rocker shaft Cylinder anchor shaft Spindle	Semi Annually as follows: For Round-Up rides operating in Illinois on or between April 1 and September 30; the NDT must be performed after March 22 and

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF EMERGENCY AMENDMENTS

Section 6000.280 Non-Destructive Testing (Cont'd.)
EMERGENCY

before operation.
 Unless at the time of the NDT inspection the Department places a seal upon the ride prohibiting the assembly and operation until the Department removes that seal. For Round-Up rides operating in Illinois on or between October 1 and March 31; the NDT must be performed after September 22 and before operation.

Coasters by Arrow-Huss
 Welded areas of track
 Anti-roll back units
 Chain guide wheel spindles
 Axle housings
 Wheel Carrier weldments
 Chassis main vertical spindle
 Body support frame
 Hitch yoke

Annually

Enterprise

Bearing block holders
 Car structure parts
 of the roof and parts above, at, and below pivot pins; and for cracks in the welds of these parts and the welds that attach these parts.

Annually

Fireball

Spindle

Every 2 Years

Force 10

Car Hanger Shaft

Annually

Hustler

Secondary sweep shafts

Annually

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF EMERGENCY AMENDMENTS

Section 6000.280 Non-Destructive Testing (Cont'd.)
EMERGENCY

Octopus	Eccentric Sweep support rods	Annually
Paratrooper	Spindle	Every 2 Years
Sky Wheel	All Axles	Annually
Spider	Eccentric Sweeps Sweep support rods	Annually
Tempest	Secondary sweep shafts	Annually
Yo-Yo	Sweep lift cylinder	Every 5 Years

(Source: Emergency amendment at 14 Ill. Reg. 3235, effective Feb. 9, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

The Heading of the Part: MEDICAL PAYMENT

- 2)

Code Citation: 89 Ill. Adm. Code 140
- 3)

Section Numbers:

140.642

Amendment

140. Table H

New Section
- 4)

Statutory Authority: Sections 5-5.1 et seq. and 12-11 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.1 et seq. and 12-11)
- 5)

Effective Date of Emergency Amendments: February 14, 1990
- 6)

If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7)

Date Filed in Agency's Principal Office: February 14, 1990
- 8)

Reason for Emergency: Screening assessments of persons seeking admission to long term care facilities are intended to avoid the inappropriate placement of persons who require treatment and services in other settings. Because of the threat to the health and safety of persons who would be adversely affected by such inappropriate placement, the Department has determined that an emergency rulemaking is warranted.
- 9)

A Complete Description of the Subjects and Issues Involved: This rulemaking revises Department policies concerning screening assessments of persons seeking admission to, and residing in, long term care facilities. Among other things, this rulemaking incorporates new federal requirements intended to reduce inappropriate placement of persons with developmental disabilities and mental illness.

10) Are there any Proposed Amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140. 420	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140. 421	Amendment	January 26, 1990 (14 Ill. Reg. 1570)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Illinois Register Citation

Section Numbers	Proposed Action	Illinois Register Citation
140. 428	Amendment	September 15, 1989 (13 Ill. Reg. 14265)
140. 429	Repealed	September 15 1989 (13 Ill. reg. 14265)
140. 400	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140. 435	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140. 436	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140. 475	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140. 476	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140. 477	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140. 478	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140. 479	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140. 480	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140. 481	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140. 525	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140. 526	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140. 528	Amendment	November 17, 1989 (13 Ill. Reg. 17667)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.565	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.566	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.567	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.568	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140. Table D	Amendment	January 26, 1990 (14 Ill. Reg. 1570)

11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governmental units.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Daniel C. Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1
140.2
140.3

Incorporation By Reference
Medical Assistance Programs
Covered Services Under The Medical Assistance
Programs for AFDC, AFDC-WANG, AABD, AABD-WANG, RRP,
Individuals Under Age 18 Not Eligible for AFDC,
Pregnant Women Who Would Be Eligible if the Child
Were Born and Pregnant Women and Infants Under Age
One Year Who Do Not Qualify As Mandatory
Categorically Needy

140.4 Covered Medical Services Under AFDC-WANG for
non-pregnant persons who are 18 years of age or
older (Repealed)

140.5 Covered Medical Services Under GA and AMI

140.6 Medical Services Not Covered

140.7 Medical Assistance Provided to Individuals Under the
Age of Eighteen Who Do Not Qualify for AFDC and
Infants Under Age One Year

140.8 Medical Assistance For Qualified Severely Impaired
Individuals

140.9 Medical Assistance for a Pregnant Woman Who Would
Not Be Categorically Eligible for AFDC/AFDC-WANG if
the Child Were Already Born Or Who Do Not Qualify As
Mandatory Categorically Needy

140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section
140.11
140.12
140.13
140.14

Enrollment Conditions for Medical Providers
Participation Requirements for Medical Providers
Definitions

140.14 Denial of Application to Participate in the Medical
Assistance Program

140.15 Recovery of Money

140.16 Termination of a Vendor's Eligibility to Participate
in the Medical Assistance Program

140.17 Suspension of a Vendor's Eligibility to Participate
in the Medical Assistance Program

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section
140.18 Effect of Termination on Individuals Associated with Vendor

140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

140.20 Submittal of Claims

140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QM3s)

140.22 Magnetic Tape Billings

140.23 Payment of Claims

140.24 Payment Procedures

140.25 Overpayment or Underpayment of Claims

140.26 Payment to Factors Prohibited

140.27 Assignment of Vendor Payments

140.28 Record Requirements for Medical Providers

140.30 Audits

140.35 False Reporting and Other Fraudulent Activities

140.40 Prior Approval for Medical Services or Items

140.41 Prior Approval in Cases of Emergency

140.42 Limitation on Prior Approval

140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained

140.71 Drug Manual (Recodified)

140.72 Drug Manual (Recodified)

140.73 Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

Section
140.94 Hospital Services (Recodified)

140.95 Participation (Recodified)

140.96 General Requirements (Recodified)

140.97 Special Requirements (Recodified)

140.98 Covered Hospital Services (Recodified)

140.99 Hospital Services Not Covered (Recodified)

140.100 Limitation On Hospital Services (Recodified)

140.101 Transplants (Recodified)

140.102 Heart Transplants (Recodified)

140.103 Liver Transplants (Recodified)

140.104 Bone Marrow Transplants (Recodified)

140.110 Disproportionate Share Hospital Adjustments (Recodified)

140.116 Payment for Inpatient Services for GA (Recodified)

140.117 Hospital Outpatient and Clinic Services (Recodified)

140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)

140.201 Payment for Hospital Services After June 30, 1982 (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)

140.203 Limits on Length of Stay by Diagnosis (Recodified)

140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)

140.350 Copayments (Recodified)

140.360 Payment Methodology (Recodified)

140.361 Non-Participating Hospitals (Recodified)

140.362 Pre July 1, 1989 Services (Recodified)

140.363 Post June 30, 1989 Services (Recodified)

140.364 Prepayment Review (Recodified)

140.365 Base Year Costs (Recodified)

140.366 Restructuring Adjustment (Recodified)

140.367 Inflation Adjustment (Recodified)

140.368 Volume Adjustment (Repealed)

140.369 Groupings (Recodified)

140.370 Rate Calculation (Recodified)

140.371 Payment (Recodified)

140.372 Review Procedure (Recodified)

140.373 Utilization (Repealed)

140.374 Alternatives (Recodified)

140.375 Exemptions (Recodified)

140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)

140.391 Definitions (Recodified)

140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)

140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
140.400 Payment to Practitioners and Laboratories

140.410 Physicians' Services

140.411 Covered Services By Physicians

140.412 Services Not Covered By Physicians

140.413 Limitation on Physician Services

140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians

140.416 Optometric Services and Materials

140.417 Limitations on Optometric Services

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section	
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.460	Clinic Services
140.461	Clinic Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinics
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section	
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Medichek Services
140.486	Limitations on Medichek Services
140.487	Payment on Medichek Services
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
SUBPART E: GROUP CARE	
Section	
140.500	Group Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility

NOTICE OF EMERGENCY AMENDMENTS

Section	
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
140.529	Reviews
140.530	Basic of Payment for Group Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Incentive Payments for Quality Care
140.566	Level I Incentive Payments
140.567	Level II Incentive Payments
140.568	Duration of Incentive Payments
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities

NOTICE OF EMERGENCY AMENDMENTS

Section	
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements
140.581	Qualifying as Mandated Capital Improvement
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	<u>Pre-Screening Long Term Care Screening Assessment</u>
EMERGENCY	
140.643	In-Home Care Program
140.645	Medical and In-Home Care For Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities
140.647	Description of Developmental Training Service Levels
140.648	Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.649	Effective Dates of Reimbursement for Day Programs
140.650	Certification of Day Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care

SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

Section	
140.850	Facility/Client Participation (Recodified)
140.855	Evaluation Of Need For Care (Recodified)
140.860	Payment (Recodified)
140.865	Definitions (Recodified)
140.870	Guidelines (Recodified)
140.875	Intermediate Care (ICF/MR) (Recodified)
140.880	Skilled Care (SNF/PED) (Recodified)
140.885	Statewide Rates (Recodified)
140.890	Reimbursement for ICF/MR-15 and Under Facilities (Recodified)
140.895	Night Shift Reimbursement (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section

140.896 Reimbursement For Program Costs (Active Treatment)
For Clients in Long Term Care Facilities For the
Developmentally Disabled (Recodified)

SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section

140.900 Reimbursement For Nursing Costs For Geriatric
Residents in Group Care Facilities (Recodified)
140.901 Functional Areas of Needs (Recodified)
140.902 Service Needs (Recodified)
140.903 Definitions (Recodified)
140.904 Times and Staff Levels (Repealed)
140.905 Statewide Rates (Repealed)
140.906 Reconsiderations (Recodified)
140.907 Midnight Census Report (Recodified)
140.908 Times and Staff Levels (Recodified)
140.909 Statewide Rates (Recodified)
140.910 Referrals (Recodified)
140.911 Basic Rehabilitation Aide Training Program
(Recodified)
140.912 Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section

140.940 Illinois Competitive Access and Reimbursement Equity
(ICARE) Program (Recodified)
140.942 Definition of Terms (Recodified)
140.944 Notification of Negotiations (Recodified)
140.946 Hospital Participation in ICARE Program Negotiations
(Recodified)
140.948 Negotiation Procedures (Recodified)
140.950 Factors Considered in Awarding ICARE Contracts
(Recodified)
140.952 Closing an ICARE Area (Recodified)
140.954 Administrative Review (Recodified)
140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by
Non-Contracting Hospitals Eligible for Payment
(Recodified)
140.962 Payment to Hospitals for Inpatient Services or Care
not Provided under the ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section

140.966 Transfer of Recipients (Recodified)
140.968 Validity of Contracts (Recodified)
140.970 Termination of ICARE Contracts (Recodified)
140.972 Hospital Services Procurement Advisory Board
(Recodified)

TABLE A

Medicheck Recommended Screening Procedures

TABLE B

Health Service Areas

TABLE C

Capital Cost Areas

TABLE D

Schedule of Dental Procedures

TABLE E

Time Limits for Processing of Prior Approval Requests

TABLE F

Podiatry Service Schedule

TABLE G

Travel Distance Standards

TABLE H

Staff-Time-and-Allocation-by-Need-Level-(Recodified)

EMERGENCY

Areas of Major Life Activity

TABLE I

Staff Time and Allocation for Training Programs
(Recodified)

TABLE J

HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 8 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

110 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9139, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 1235, effective January 1, 1989; amended at 13 Ill. Reg. 2475,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 143.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; amended at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 140.642 Pre-Screening Long Term Care Screening
EMERGENCY Assessment

- a) A Prior to the authorization of payment by the Department of Public Aid, for the care of an individual who is newly approved or admitted into a facility (SNF, ICF, ICF/MR, ICF/MR with a SNF/PED license, or ICF/MI) which provides long term care services, the client's individual's need for long-term care such services must be:
 - 1) assessed through either the Department on Aging (DOA), Department of Rehabilitation Services (DORS) or Department of Mental Health and Developmental Disabilities (DMH/DD), and
 - 2) certified by a licensed physician or by a (42 CFR 456.260 and 42 CFR 456.30). In the case of a developmentally disabled individual, with developmental disabilities (DD), the physician certification must be in accord with

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642 Pre-Screening Long Term Care Screening
EMERGENCY Assessment (Cont'd)

Medicaid standards which identify assessment criteria used to establish the need for services in a facility for persons with DD (42 CFR 435.1009), certified by a Title XIX-acceptable qualified mental retardation professional (QMRP) (42 CFR 442.411) before authorization of payment for care for new approvals and admissions into the facility. This applies to all clients age 21 and older. The assessment shall be made using the criteria established under the Illinois In-Home-Care-Program for the need for institutional care. These criteria can be found in the Rules of the DCA (Rule 94-600.000 et seq.) DORS-109-111-Adm-Code-Chapter IV-Subchapter-d) and DMH/DD (proposed 59-111-Adm-Code-120).

Agency Note: The acronym ICF/MR which is used in this Section, is understood to include ICF/MR-15 and SLC. The term developmental disability (DD) means mental retardation or a related condition.

- b) An assessment by DCA, DORS or DMH/DD is not required for an individual who has resided in a group care facility for at least the 60 days before the date of application for public assistance nor is an assessment needed for a transfer from one facility to another. If a client has been absent from the facility for a period of 60 days or more and is readmitted to the same facility or a different facility, the client's need for long-term care services must be assessed by DCA, DORS or DMH/DD unless the client was absent from the facility due to hospitalization. If a client has been absent from the facility for less than 60 days and is readmitted to the same facility or a different facility, the client's need for long-term care services does not have to be assessed. A screening assessment is required for a Medicaid eligible individual, including the individual who is enrolled as a Medicaid spenddown case, who:

- 1) is residing in a SNF, ICF, ICF/MR, or ICF/MR (SNF/PED license) at the time of becoming eligible for Medicaid benefits and an assessment

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642 Pre-Screening Long Term Care Screening Assessment (Cont'd)
EMERGENCY

has not occurred during the 60 days prior to such eligibility;

- 2) is Medicaid eligible, requests to be admitted to a SNF, ICF, ICF/MR, or ICF/MR (SNF/PED license), and did not previously reside in the facility (except as described in subsections (c) and (d);
 - 3) is absent from a SNF, ICF, ICF/MR, ICF/MR (SNF/PED license), or ICF/MR for a period of 30 days or more, and the reason for the absence was not to receive medical services;
 - 4) has mental illness and requests or requires admission to an ICF/MR;
 - 5) transfers between facilities at the same level of care (i.e., ICF to ICF);
 - 6) transfers between facilities to a different level of care (i.e., ICF to SNF, ICF/MR to ICF, ICF/MR to SNF);
 - 7) transfers from a sheltered care setting to a different level of care (i.e., sheltered care to ICF or ICF/MR);
 - 8) requests to be admitted to a different level of care following an absence of less than 30 days;
 - 9) has mental illness, mental retardation, or a related condition and transfers between facilities at the ICF or SNF level of care; or
 - 10) is currently residing in Illinois and is approved by the Department for placement in an out-of-state facility.
- c) A screening assessment is not required for an individual who:
- 1) will be receiving sheltered care services; or
 - 2) is an Illinois resident and is approved for placement by the Department in an out-of-state

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642 Pre-Screening Long Term Care Screening Assessment (Cont'd)
EMERGENCY

facility, when already residing or placed (i.e., a hospital) in that state. In such cases, the location (state) of the potential placement is responsible for the screening assessment of the individual.

- d) A new screening assessment is not required for an individual who is currently eligible for ICF, SNF, ICF/MR, ICF/MR or ICF/MR (SNF/PED license) services and who:
- 1) is absent from the facility for less than 30 days and returns to the same level of care at the same facility;
 - 2) is absent from the facility for 30 days or more to receive inpatient hospital services and returns from the hospital to the same level of care at the same facility;
 - 3) is absent from the facility for 30 days or more for therapeutic leave approved by the Department and returns to the same level of care at the same facility.
- e) Level I Identification (ID) Screen
- 1) The Level I ID Screen is the first phase of the readmission screening process. This screening process must be completed for all Medicaid or Medicaid eligible individuals who enter long term care facilities. The screening process is conducted to determine if there is a reasonable basis for suspecting that an applicant has a developmental disability (DD) or severe mental illness (MI). This determination is required to assure that individuals with developmental disabilities or severe mental illness are placed into settings which provide the services they require and to prevent the inappropriate admissions of such persons into nursing facilities. Entities authorized to complete the Level I ID screen are agents of DMHDD, DOA, DORS, hospitals, or nursing facilities.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642 Pre-Screening Long Term Care Screening
EMERGENCY Assessment (Cont'd)

2) If the Level I ID Screen indicates that an individual does have a developmental disability and/or severe mental illness (and does not have exceptional circumstance according to subsection (e)(3)), a more complete assessment is conducted by DMHDD or its designated agents concerning the level of care needed and the need for active treatment.

3) Exceptional Circumstances

There are some circumstances which may allow an individual with a developmental disability and/or severe mental illness to be admitted into a nursing facility. However, the individual with DD who has an exceptional circumstance must still receive a comprehensive assessment following the Level I ID Screen. The exceptional circumstances are:

- A) A primary diagnosis of dementia, including Alzheimer's Disease,
- B) Convalescent care - a medically prescribed period of recovery, following acute care, not to exceed 120 days,
- C) Terminal illness - certification by a physician that life expectancy is six months or less, and
- D) Severe illness, so that an individual is comatose, ventilator dependent, or functions at a brain stem level, or has:
 - i) chronic obstruction pulmonary disease,
 - ii) severe Parkinson's Disease,
 - iii) amyotrophic lateral sclerosis, and/or
 - iv) congestive heart failure

f) Designated Screening Agents

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642 Pre-Screening Long Term Care Screening
EMERGENCY Assessment (Cont'd)

1) DMHDD or its designated agents will screen all applicants for long term care for whom there is a reasonable basis to suspect mental retardation or related conditions, or severe mental illness.

A) Mental retardation and related disorders shall include those conditions meeting the criteria described in subsection (g). Agents screening an applicant with mental retardation or a related condition may authorize placement into an ICF/MR or an ICF/MR (SNF/PED license) level of care, or a State operated facility or a Community Integrated Living Arrangement (CILA) which are under the direction and oversight of DMHDD. When the assessment indicates placement into a SNF or ICF on the basis of the applicant's exceptional circumstances, (subsection (e)(3)), the DMHDD screening agent may authorize the placement. For the individual with mental retardation or a related condition, a Qualified Mental Retardation Professional (QMRP) serves as the screening agent who summarizes the final screening assessment and authorizes placement. The QMRP provides this authorization for individuals who are placed into settings for persons with DD, or placed in nursing facilities.

B) Severe mental illness is described in subsection (j). Agents screening an applicant with severe mental illness may authorize placement into an ICF/MR level of care or a DMHDD State operated facility. When the assessment indicates placement into a SNF or ICF on the basis of the applicant's exceptional circumstances, (subparagraph (e)(3)), the DMHDD screening agent must contact the appropriate screening agent (DORS or DOA) to initiate the screening process for admission of the applicant into a nursing facility.

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642 Pre-Screening Long Term Care Screening
Assessment (Cont'd)

For the individual with mental illness (MI), a Qualified Mental Health Professional (QMHP) serves as the screening agent who summarizes the final screening assessment and authorizes placement. The QMHP provides this authorization for individuals with MI who are placed into settings for persons with MI.

2) DORS staff or its designated agents will screen all applicants for ICF or SNF services, between the ages 18 and 59, who do not meet the criteria for screening and placement by DMHDD. When such an applicant is determined by DMHDD to have severe mental illness and exceptional circumstances requiring placement into a SNF or ICF, the applicant will be referred to DORS for screening and placement.

3) DOA or its designated agents will screen all applicants for ICF or SNF services aged 60 or over who do not meet the criteria for screening by DMHDD. When such an applicant is determined by DMHDD to have severe mental illness and exceptional circumstances requiring placement into a SNF or ICF, the applicant will be referred to DOA for screening and placement.

4) No screening agent may limit an eligible applicant's opportunity to receive services from any facility certified to provide them, or direct or indicate a preference for the applicant to receive services from a particular facility or type of facility.

5) DPA may withdraw screening authority from an individual agent if it determines that the agent is not accurately applying screening criteria or conforming to procedures as described in this section. In such an event, DPA will first request the responsible Department to implement corrective actions. If the screening agent remains out of compliance ninety days following this request, DPA may designate an alternative agent to conduct screenings until the affected

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642 Pre-Screening Long Term Care Screening
Assessment (Cont'd)

agent implements a plan of correction acceptable to DPA or the associated Department designates a new agent.

g) Need for ICF/MR Services

1) The need for ICF/MR services shall be established through an assessment that demonstrates that the individual has mental retardation or a related condition manifested before age 22, which is likely to continue indefinitely, and results in functional limitations so substantial that the individual performs at or below the "Eligible" level in three or more of the six (6) areas of major life activity as set forth in Section 140. Table H.

2) No applicant for ICF/MR services meeting the above criteria shall be found to be inappropriate for such services due to a need for the treatment of severe or profound sensory handicap, motor deficit, or mental retardation; nor shall such applicant be denied ICF/MR services due to age, medical needs, or non-dangerous maladaptive behavior, except as otherwise described in this Section.

h) Need for ICF/MR (SNF/PED License) Services

1) ICF/MR (SNF/PED license) services will only be approved for individuals who are under the age of 21 at the time of admission to the facility.

2) The need for such services shall be established through an assessment that demonstrates that the individual has a medical (physical) condition requiring skilled level nursing care; or has mental retardation or a related condition and/or a severe medical or physical disability or a combination of severe disabilities.

Agency Note: OBRA-87 requirements prohibit the admission of individuals with a primary diagnosis of mental retardation into non-ICF/MR facilities. Therefore, SNF/PED facilities which meet ICF/MR

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642 Pre-Screening Long Term Care Screening
EMERGENCY Assessment (Cont'd)

certification requirements must be certified ICF/MR by December 31, 1989, in order to comply with federal requirements when admitting individuals with mental retardation. The certification classification, SNF/PED, will not be used after December 31, 1989. Facilities which undergo certification conversion from SNF/PED to ICF/MR may still retain State licensure for SNF/PED services.

i) Need for ICF or SNF Services

The need for nursing services (ICF or SNF) shall be established by an assessment which demonstrates an individual's need on the basis of a medical condition.

1) Intermediate (ICF) level nursing care is that needed for medical conditions which require regular medical or nursing care below a skilled level and which prevent independent living in the absence of such care. Individuals with stabilized conditions requiring less than 24-hour nursing care or limited to the periodic administration of medication are appropriate for intermediate level care.

2) Skilled (SNF) level nursing care is that needed for medical conditions requiring 24-hour nursing care or intensive medical treatment, such as that for post-operative or bedfast patients, or those with special medical equipment or needs for constant monitoring by a professional nurse. A need for a high level of personal care assistance does not meet the criteria for skilled level care.

j) Need for ICF/MI Services

The need for ICF/MI services shall be established through an assessment which includes a diagnosis that the individual has a severe mental illness, (and does not have a primary diagnosis of dementia, including Alzheimer's disease or a related disorder), resulting in substantial functional limitations for that individual which necessitates specialized services.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642 Pre-Screening Long Term Care Screening
EMERGENCY Assessment (Cont'd)

1) Diagnoses that constitute a severe mental illness are:

A) Schizophrenia, including

i) Catatonic

ii) Disorganized

iii) Paranoid

iv) Undifferentiated

v) Residual

B) Delusional (Paranoid) Disorder

C) Schizoaffective Disorder

D) Psychotic Disorder, not otherwise specified (atypical psychosis)

E) Bipolar Disorders

i) Bipolar Disorder- Mixed, Manic, and Depressed

ii) Cyclothymia

iii) Bipolar Disorder not otherwise specified

F) Major Depression, recurrent

2) Severe mental illness may be described by examples of functional characteristics. The following descriptions reflect varying intensity levels of severe mental illness:

A) Level I - The individual with this intensity level of severe mental illness experiences minor distortions of thinking with little disturbance in activities of daily living. With the provision of specialized services, the individual may be able to live independently in the community and engage in

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642
EMERGENCYPre-Screening Long Term Care Screening
Assessment (Cont'd)

employment. The individual is capable of learning to accept direction, maintaining adequate interpersonal relationships and concentrating on a task for a sufficient period of time. Under occasional conditions of particular internal, social or economic stress, the person may require follow-up supervision, guidance or support.

B)

Level II - The individual with this intensity level of severe mental illness experiences definite disturbances of thinking with definite but mild disturbances in behavior. At least initially, the individual will require continuing supervision, guidance, motivation and support. A misunderstanding of instructions, limited activity, self-isolation or an over-reaction in gestures, speech and emotion may be displayed on a regular basis. Specialized services may allow the person to become capable of maintaining themselves more independently within a ICF/MI or may allow them to gain the skills and behaviors needed to live in a supervised community living situation. They may also have the potential to engage in low stress supported work efforts.

C)

Level III - The individual with this intensity level of severe mental illness experiences extreme disturbances of thinking and behavior that entail potential harm to self or others, or severe disturbances of all components of daily living, requiring constant supervision and care. The individual is unable to communicate readily and has difficulty differentiating between fantasy and reality. The person's behavior may be disruptive and menacing to others and it can be marked by shouting, vulgarity and carelessness of dress. These symptoms and suicidal ideations necessitate continuing observation and professional intervention.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642
EMERGENCYPre-Screening Long Term Care Screening
Assessment (Cont'd)

Through the provision of specialized services, the individual may be capable of more independent self-maintenance in a ICF/MI. The continued provision of specialized services may allow the person to gain the skills and behaviors needed for supervised community living.

3)

Individuals with severe mental illness who are eligible for ICF/MI services, exhibit substantial functional limitations which necessitate 24-hour a day supervision due to the need for:

A) Professional observation for medication monitoring (adjustment and/or stabilization), and/or

B) Daily supervision and assistance in at least two of the following areas:

i) Self-maintenance - Physical functioning, personal hygiene, dress, nutrition, cooking, housekeeping responsibilities, maintenance of personal space and possessions, including laundry.

ii) Social functioning - Relationship with extent of involvement with family/significant others, social skills and relationships with friends and peer group involvement, ability to pursue leisure/recreational activities, education regarding alcohol and substance abuse.

iii) Community Living Activities - Homemaking responsibilities as in subsection (j)(3)(3)(i) above, as well as shopping, financial management, using telephone, use of transportation, traveling from residence independently, recognizing and avoiding common dangers, use of community services.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642
EMERGENCY

Pre-Screening Long Term Care Screening Assessment (Cont'd)

- iv) Work Related Skills - Job retention behaviors (i.e., tardiness, absenteeism, relationships with coworkers/ supervisors, work quality and quantity, ability to accept, understand and carry out instructions), job seeking skills (i.e., ability to initiate and schedule own activities, completing an application, personal appearance, communication and interviewing skills, ability to set realistic vocational goals), basic reading, writing and arithmetic skills.

- 4) Specialized services as provided in an ICF/MI facility, are designed to reduce residual psychiatric symptoms and to increase the individual's ability to function with as much self-determination and independence as possible. These services are individualized and include aggressive, consistent and frequent implementation of a program of specialized and generic care. This may include specific therapies or treatments, activities, training, health services and related services. Specialized services begin with a diagnostic evaluation and a comprehensive functional assessment of the individual's strengths and needs. The assessment process leads to the development of a Comprehensive Care Plan (CCP). The CCP outlines the services needed, the persons responsible for the delivery of services and the process of reevaluating the plan. Specialized services may be delivered in settings which make available:

- A) 24-hour a day supervision of the individual,
B) Daily implementation of the individual's CCP and periodic evaluation of the CCP by an interdisciplinary team (IDT),
C) Daily administering and monitoring of prescribed medication, and

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642
EMERGENCY

Pre-Screening Long Term Care Screening Assessment (Cont'd)

- D) 24-hour a day pharmacological treatment and/or behavioral/ psychiatric intervention.
5) Individuals with diagnoses of severe mental illness who would not be appropriate for ICF/MI services include:
A) Individuals with severe mental illness whose symptomatology is so acute or severe that they require active treatment in an inpatient psychiatric program.
B) Individuals with severe mental illness whose medical (physical) condition requires the level of nursing care available in a nursing facility.
C) Individuals with severe mental illness who do not require the intensity of specialized services which is provided in an ICF/MI setting. These individuals usually require less intensive treatment which is available through community mental health outpatient services.

k) Date of Payment

An assessment is valid for 60 days from the date of the assessment. Additional assessments may be conducted within any 60 day period:

- 1) If the screening agent judges that it is merited by a change in the individual's medical or developmental status, or
2) In the event that an assessment has not been conducted properly or by the appropriate authorized screening agent, or
3) If the individual appeals the screening assessment decision according to appeals procedures which are required by provisions under the Omnibus Budget Reconciliation Act of 1987.

e) 1) No payment for long term care services will may be

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642 Pre-Screening Long Term Care Screening Assessment (Cont'd)
EMERGENCY

made on behalf of clients whose certified assessments show no need for such care, unless both the screening assessment and a physician's certification, as described in Section 140.514, document a need for such care. Where the assessment and the certification do not establish this need, the individual may request a licensed physician designated by the Department, after reviewing the medical reports and any other evidence the client wishes to submit, and certifies that there is a need for long term care in the individual case. The client individual will be notified of his/her right to this review.

- 1) For an applicant for long term care services whose preadmission screening assessment and physician's certification have been completed and document the individual's need for such services, the Department will begin payment:

- A) on the date of admission if Medicaid eligibility has been established, or
- B) on the effective date of Medicaid eligibility if such eligibility is not established prior to admission.

- 2) For an applicant for long term care services who is admitted into a long term care facility in an emergency situation in which placement must occur within 24 hours due to the individual's condition (i.e., medical or behavioral characteristics), or a change in the current living arrangement (residence or caregiver) which results in danger or unavailability, and the screening assessment and physician's certification occur within 10 calendar days of admission, payment will be made:

- A) upon the date of admission if Medicaid eligibility is established prior to admission, or
- B) upon the date of Medicaid eligibility if such eligibility occurs following admission.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.642 Pre-Screening Long Term Care Screening Assessment (Cont'd)
EMERGENCY

- 3) For an applicant for long term care services who is admitted into a long term care facility in a priority situation in which placement must occur in 3 working days due to an inappropriate living arrangement and the screening assessment and physician's certification occur within 10 calendar days of admission, payment will be made:

- A) upon the date of admission if Medicaid eligibility is established prior to admission, or
- B) upon the date of Medicaid eligibility if such eligibility occurs following admission.

- 4) For an individual who applies for Medicaid after admission to a facility

- A) It is the facility's responsibility to immediately initiate screening activities by contacting the appropriate screening agent. Agents are required to complete screening assessments in such circumstances (nonemergency/nonpriority), within 30 calendar days of the initial screening referral.

- B) If the screening assessment and physician certification are completed within 30 days of Medicaid application, payment will be made from the effective date of Medicaid eligibility.

- C) If for any reason including a failure on the part of the facility to contact an appropriate screening agent, the screening assessment does not occur within 30 days of Medicaid application, the Department will not begin payment until the assessment does occur.

(Source: Emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140. TABLE H Staff-Time-and-Allocation-by-Need-Level
EMERGENCY (Revised) Areas of Major Life Activity

The Individual IsEligible for ICF/MR ServicesThe Individual Is NotEligible for ICF/MR ServicesSELF CARE

The ability to perform daily activities to meet basic life needs including feeding, bathing, toileting, dressing, and hygiene and grooming.

Eligible:

The individual feeds (using knife and fork), bathes, and dresses self; combs/brushes hair; may need occasional reminders to initiate activities and follow through on components of tasks or recall performance methods; toilets independently; may shampoo and roll up/set hair; may wash and/or iron and store clothing.

Not Eligible:

The individual exercises self care in personal hygiene and grooming, feeding, bathing, dressing, and toileting; may need health care or personal care reminders; may need assistance in selecting or purchasing clothing.

LANGUAGE

Communication involving verbalization or an alternative communication system which enables an individual to convey ideas and information to others (expressive), and understand communication from others (receptive).

Eligible:

The individual can describe or state basic needs or concerns in concrete terms; uses brief concrete phrases and sentences to interact in simple conversation; can answer questions about basic or simple needs or concerns; may use "because"

Not Eligible:

The individual communicates complete verbal concepts and understands them; carries on everyday conversations, but cannot discuss abstract or philosophical concepts; typically can use a telephone; may communicate in writing in simple letter

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140. TABLE H Staff-Time-and-Allocation-by-Need-Level
EMERGENCY (Revised) Areas of Major Life Activity (Cont'd)

Eligible:

or "out"; is able to express self (verbally or with an alternative system) and be understood by someone who does not know the individual, but does know the communication system; may recognize words or signs; usually cannot provide description or reason for emotions, feelings or personal life events.

Not Eligible:

or orders; does not write/communicate about theoretical ideas or important current events.

LEARNING

General cognitive competence; the ability to acquire new behaviors, perceptions and information; and the ability to apply experiences to new situations.

Eligible:

The individual obtains a score in the moderate to severe/profound range of intellectual functioning as measured by a standardized, full scale, assessment on an individual intelligence test, such as a score of 54 or below on the WAIS-R.

Not Eligible:

The individual obtains a score in the mild range of intellectual functioning as measured by a standardized, full scale, assessment on an individual intelligence test, such as a score of 55 or above on the WAIS-R.

MOBILITY

The ability to perform gross- and fine-motor skills. The capability of locomotion, either by independent ambulation or with mobility assistance such as adaptive equipment/mechanical aids.

Eligible:

The individual exhibits good body control; can alternate feet to climb stairs; has good gross- and fine-motor skills

Not Eligible:

The individual is able to use hands (or adaptive utensils) to care for self; goes about known areas with ease (i.e.

NOTICE OF EMERGENCY AMENDMENTS

Section 140. TABLE H Staff-Time-and-Attention-by-Need-Level
EMERGENCY (Reedited) Areas of Major Life
Activity (Cont'd)

Eligible:

coordination such as being able to hit a target, throw a ball, run, hop, skip, or jump (these skills are not required for eligibility); may independently transfer into and out of wheelchair; lacks or has limited capacity to perform activities requiring strength or coordination, such as dancing, cursive writing or heavy lifting.

Not Eligible:

local neighborhood, campus or residence) via independent ambulation or adaptive/supportive equipment (wheelchair, walker, cane); may use mass transportation.

SELF DIRECTION

The management of, and control over, one's personal and social life, by making decisions which affect and protect one's self interests.

Eligible:

The individual may be conscientious about assuming responsibility for simple tasks (household chores, assigned duties); may ask if there is "work" to do; makes an effort to be dependable; attends to a task well (15-20 minutes); may sometimes initiate his/her own activities.

Not Eligible:

The individual initiates most of his/her own activities; is conscientious about work (duties) and assumes much responsibility; for tasks; requires guidance when activities/jobs necessitate important decision making such as health care, care of others, and complicated occupational activities.

CAPACITY FOR INDEPENDENT LIVING

The age appropriate ability to live without extraordinary support.

Eligible:

The individual can be sent

Not Eligible:

The individual cooks simple

NOTICE OF EMERGENCY AMENDMENTS

Section 140. TABLE H Staff-Time-and-Attention-by-Need-Level
EMERGENCY (Reedited) Areas of Major Life
Activity (Cont'd)

Eligible:

on everyday errands such as to the store, supply or storage area for several items with supervisory oversight; makes minor purchases; may add coins to total a dollar or make change for a dollar; may do simple, routine household chores; prepares simple foods that require mixing.

Not Eligible:

meals; performs everyday household tasks (given the opportunity); engaged in semiskilled or simple skilled job not requiring complex thinking or judgement; goes to several stores to purchase items; makes change, but may not be able to use banking facilities; may have difficulty handling finances without guidance; goes about local neighborhood or campus of residence with ease and without supervisory oversight; independently recognizes emergency situations and takes action (i.e. stops ongoing activity and exits a building in response to a fire alarm).

(Source: Emergency rule added at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

BOARD OF HIGHER EDUCATION

Heading of Part: Higher Education Cooperation ActCode Citation: 23 Ill. Adm. Code 1010Section Numbers: 1010.30Date Originally Published in Illinois Register: December 29, 1989
13 Ill. Reg. 20390

At its meeting on February 8, 1990, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to Sections 1010.30(f) and (g) of the Board of Higher Education's emergency rules entitled "Higher Education Cooperation Act" (23 Ill. Adm. Code 1010), because contrary to the provisions of Section 5.02 of the Illinois Administrative Procedure Act (IAPA), portions of the rulemaking are not related to the existence of the emergency situation.

This emergency rulemaking has been promulgated to amend the Board's rules governing the administration of the Higher Education Cooperation Act consequent to the enactment of Public Act 86-956, effective December 5, 1989. This Public Act provided a supplemental appropriation of \$1,000,000 to the Board of Higher Education to distribute as grants pursuant to the Higher Education Cooperation Act. By the General Assembly's enactment and the Governor's approval of this supplemental appropriation, the Board believed that these grants were to be allocated in fiscal year 1990. The current rules contain application deadlines and grant periods which prohibit the Board from distributing grants this fiscal year. These emergency amendments repeal the current application procedures, deadlines, and grant periods and add new procedures, deadlines and grant periods which coincide with the availability of funds, rather than being tied to specific months.

However, in addition to these provisions, this emergency rulemaking includes amendments which are not related to this emergency situation and are not necessary to implement the distribution of grant funds.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

(AGENCY)

(Continued Page 2)

Section 1010.30(f) includes a provision requiring an audit of expenditures to be prepared by an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation. Section 1010.30(g) contains a provision requiring that all contractual agreements must comply with the provisions of the Grant Funds Recovery Act (Ill. Rev. Stat. 1987, ch. 127, pars. 2301 et seq.). The Board was asked how these provisions concerning grant evaluations and audits and contractual agreements were related to the emergency situation of prohibitive application procedures, deadlines, and grant periods. The Board admitted that these provisions were not related to the emergency situation, but were included to save a step in the rulemaking process by publication of identical emergency and proposed rulemakings. The Board further noted that it rarely uses emergency rulemaking procedures and is less familiar with the limitations imposed upon emergency rulemakings.

Section 5.02 of the IAPA limits the use of emergency rulemaking procedures to situations in which there exists a threat to the public interest, safety or welfare "which requires adoption of a rule upon fewer days notice than is required by Section 5.01." Section 230.400(c) of the Joint Committee's Operational Rules requires emergency rulemaking to be limited to changes or additions which are required by the emergency, and states that the rule "should contain no provisions which are not required to meet the emergency." It is clear that amendments made to Sections 1010.30(f) and (g) do not meet the review criterion of Section 230.400(c). The Board should not have included these amendments in its emergency rulemaking, as the emergency concerned existing application procedures, deadlines, and grant periods. The Board should have proposed these amendments exclusively under the normal rulemaking procedures of Section 5.01 of the IAPA, as the Section 1010.30(f) and (g) provisions do not concern pre-grant criteria, but post-grant criteria.

Therefore, the Joint Committee objects to Sections 1010.30(f) and (g) of the Board of Higher Education's emergency rules entitled "Higher Education Cooperation Act" (23 Ill. Adm. Code 1010), because contrary to the provisions of Section 5.02 of the Illinois Administrative Procedure Act (IAPA), portions of the rulemaking are not related to the existence of the emergency situation.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

REVIEW OF EXISTING RULES

STATEMENT OF RECOMMENDATION

OFFICE OF THE STATE FIRE MARSHAL

(Continued Page 2)

Marshal's rules which incorporated the Life Safety Code required existing smoke detection systems powered by the building electrical source. No option to use battery-operated devices was given in the rules.

P.A. 85-143, effective August 14, 1987, created the Smoke Detector Act (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 801 et seq.) which applies to any dwelling unit. The Act defines a dwelling unit as "a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed-use building." The Act also specifies in Section 3(e) that dwelling units in existence on July 1, 1988, may use either battery powered smoke detectors or detectors wired into the structure's AC power line use and need not be interconnected.

Shortly after the passage of the Smoke Detector Act, Public Act 85-936, effective December 2, 1987, enacted "An Act to require the installation and maintenance of smoke detectors in certain facilities." (Ill. Rev. Stat. 1987, ch. 127 1/2, pars. 821 et seq.). This Act applies to long-term care facilities and child care facilities. Section 2(d) of the Act specifies that smoke detectors in existing facilities may be either battery or electrically powered.

Effective July 1, 1989, P.A. 85-1434 amended Section 9 of "An Act relating to the investigation and prevention of fire". The State Fire Marshal was no longer charged with requiring the installation of fire detection devices under Section 9 because the new law specified that the Fire Marshal's rules shall pertain to fire extinguishers, fire suppression systems, fire alarms, and protection devices. Reference to "detection" was deleted. As a result of this deletion, the statutory authority cited by the Fire Marshal for its rules on smoke detectors is now incorrect.

As fire detection devices are no longer included in Section 9 of "An Act relating to the investigation and prevention of fire", which the State Fire Marshal has cited as the statutory authority for its rules on smoke detectors, it is necessary to look to the Smoke Detection Act for any authority the State Fire Marshal may have to require smoke detection systems in hotels.

It is confusing how the Smoke Detector Act applies to hotels. The Act originally included only a definition of a dwelling unit, which is defined as "a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed use building." In 1989, the

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

REVIEW OF EXISTING RULES

STATEMENT OF RECOMMENDATION

OFFICE OF THE STATE FIRE MARSHAL

Heading of Part: Fire Prevention and Safety

Code Citation: 41 Ill. Adm. Code 100

At its meeting on February 8, 1990, the Joint Committee issued one recommendation concerning the above-referenced rules. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee recommends that the Office of the State Fire Marshal amend its rules entitled "Fire Prevention and Safety" (41 Ill. Adm. Code 100) to provide that hotels in existence prior to July 1, 1988, may use either battery-powered or electrical smoke detectors as provided for dwelling units in Section 3(e) of the Smoke Detector Act (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 801 et seq.) in light of the fact that Public Act 85-1434 amended "An Act relating to the investigation and prevention of fire" (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 9), and this Act, which was used as the statutory authority for this rule, no longer pertains to fire detection devices.

In addition, the Joint Committee recommends to the Office of the State Fire Marshal that it propose legislation to amend the Smoke Detector Act (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 801 et seq.) to clarify that Section 3(e) of the Act, which provides that dwelling units in existence on July 1, 1988, may use either battery-powered or electrical smoke detectors, specifically applies to existing hotels as well as existing dwelling units.

In May of 1987, the State Fire Marshal promulgated rules concerning smoke detectors, citing Section 9 of "An Act relating to the investigation and prevention of fire" as the statutory authority. This section was applicable to any building or structure in which persons or property could be endangered. At that time, Section 9 of the Act required the State Fire Marshal to adopt rules requiring the installation of fire detection devices, as well as alarm and protection devices. The Act specified that all public and private buildings which are used or are available for use for the housing or assembly of more than 50 persons simultaneously would be covered by the rules. The Act, however, did not specify the type of detection system to be used. The State Fire

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYREVIEW OF EXISTING RULES
STATEMENT OF RECOMMENDATIONOFFICE OF THE STATE FIRE MARSHAL
(Continued Page 3)

Act was amended to include a definition of hotel, and to require that hotels have portable smoke detecting alarm devices for the deaf and hearing impaired. The Act is confusing concerning whether hotels are required to have any type of smoke detectors other than the required portable units for the deaf. It would appear that the intent of the Smoke Detector Act was that hotels were to have smoke detectors throughout and not just portable units for the hearing impaired. The fact that the State Fire Marshal's rules require smoke detectors throughout strengthens this interpretation. Therefore, a hotel must be a dwelling unit as defined by the Smoke Detector Act and Section 3(e) of the Act which provides that dwelling units in existence on July 1, 1988 have smoke detectors "either battery powered or wired into the structure's AC power line, and need not be interconnected" must be applicable. To interpret the Smoke Detector Act in any other way would appear to give the State Fire Marshal no authority over smoke detectors in hotels.

The Smoke Detector Act, as well as "An Act to require the installation and maintenance of smoke detectors in certain facilities", allow existing dwelling units, long-term care facilities and child care facilities to use either battery-powered or electrical smoke detection systems. It would appear that existing hotels should be treated in the same manner, particularly, since the occupants in long-term care facilities and child care facilities are often dependent on others for their safety, whereas occupants of hotels are generally able-bodied persons.

Therefore, the Joint Committee recommends that the Office of the State Fire Marshal amend its rules entitled "Fire Prevention and Safety" (41 Ill. Adm. Code 100) to provide that hotels in existence prior to July 1, 1988, may use either battery-powered or electrical smoke detectors as provided for dwelling units in Section 3(e) of the Smoke Detector Act (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 801 et seq.) in light of the fact that Public Act 85-1434 amended "An Act relating to the investigation and prevention of fire" (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 9), and this Act, which was used as the statutory authority for this rule, no longer pertains to fire detection devices.

In addition, the Joint Committee recommends to the Office of the State Fire Marshal that it propose legislation to amend the Smoke Detector Act (Ill. Rev. Stat. 1988 Supp., ch. 127 1/2, par. 801 et seq.) to clarify that Section 3(e) of the Act, which provides that dwelling units in existence on July 1, 1988, may use either battery-powered or electrical

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYREVIEW OF EXISTING RULES
STATEMENT OF RECOMMENDATIONOFFICE OF THE STATE FIRE MARSHAL
(Continued Page 4)

smoke detectors, specifically applies to existing hotels as well as existing dwelling units.

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ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF CODIFICATION CHANGES

- 1) Heading of Part: Driving and Parking
- 2) Code Citation: 92 Ill. Adm. Code 397
- 3) Effective Date of Rules: February 1, 1979
- 4) Date Adopted Rule Appeared in the Illinois Register:

February 2, 1979

- 5) Pursuant to Section 7(b) of the Illinois Administrative Procedure Act (Ill.Rev.Stat.1987, ch. 127, par. 1007(b)), the Administrative Code Division has made the following changes in the codification of the above named rule:

This Part has been moved from Subchapter c "Hazardous Materials Regulations" to Subchapter d "Motor Carrier Safety Regulations."

The above change has been made to the rule which is on file in the Administrative Code Division of the Illinois State Library, Office of the Secretary of State. This change does not affect the validity of the rule nor the date on which it became effective.

ILLINOIS REGISTER

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of Part:
Carnival and Amusement Ride Inspection Law
- 2) Code Citation:
56 Ill. Adm. Code 6000
- 3) Register Citation to Notice of Proposed Amendments:
Date: March 2, 1990, 14 Ill. Reg. 2989
- 4) Date, Time and Location of Public Hearing:
March 6, 1990
10:00 a.m.
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
- 5) Name and Address of Agency Contact Person:

Questions regarding the proposed amendments or the public hearing shall be directed to:

Carl Kimble, Chief Inspector
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
Telephone: 217-782-9347

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

NOTICE PURSUANT TO

ILL. REV. STAT. 1988 SUPP. CH. 111 1/2, PAR. 1007.2(b)
RCRA RULES UNDER PAR. 1022.4(a)

Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a) requires the Board to adopt regulations which are "identical in substance" to USEPA hazardous waste rules adopted pursuant to the Resource Conservation and Recovery Act (RCRA). These rules are contained in 35 Ill. Adm. Code: Subtitle 6, Chapter 1.

On January 11, 1990, in R89-9, the Pollution Control Board entered the following Order pursuant to Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1007.2(b):

The Board adopted a proposed Opinion and Order in this matter on December 6, 1989. The proposed regulations appeared on January 5, 1990, at 14 Ill. Reg. 120.

Section 22.4(a) of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" with USEPA hazardous waste rules adopted pursuant to the Resource Conservation and Recovery Act (RCRA). The term "identical in substance" has recently been defined in Section 7.2 of the Act. Section 7.2(b) requires the Board to adopt a rule within one year of adoption of the federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons. The Board is entering this Order to extend the time.

Under Section 7.2 of the Act, Board action on this update is required within one year after adoption of the first USEPA rule in the batch. As is detailed in the December 6, 1989 Opinion, the earliest Federal Registers were January 6, 27 and 30, 1988. As also noted in the Opinion, the first two of these may not result in any change to the Board rules. Action is therefore due by January 30, 1990, and possibly earlier, depending on the comment received in R89-9. The comment period will end on approximately February 20, 1990. The next Board meeting will be February 22, 1990. It will therefore be necessary to extend the decision date in this matter.

As noted in the "reasons for delay" Order entered in R89-1 on August 31, 1989, the number of federally-driven programs requiring adoption of large blocks of rules has expanded from two (RCRA and UIC) to five (including Pretreatment, UST and SDWA). In the last year the Board has devoted substantial resources to initial adoption of two large new programs (UST and SDWA), and to an unusually large RCRA update (R89-1). The Board has recently

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

received funding for expansion of staff to manage these large rulemakings. The Board believes that it will be able to return to schedule as its expanded staff gains experience.

The Board directs that these reasons be published in the Illinois Register pursuant to Section 7.2 of the Act.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

NOTICE PURSUANT TO

ILL. REV. STAT. 1988 SUPP. CH. 111 1/2, PAR. 1007.2(b)
SDWA RULES UNDER PAR. 1017.5

Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1017.5 requires the Board to adopt regulations which are "identical in substance" to USEPA public water supply rules adopted pursuant to the Safe Drinking Water Act (SDWA). These rules are contained in 35 Ill. Adm. Code: Subtitle F, Chapter 1. They are proposed as 35 Ill. Adm. Code 611, and appeared on December 1, 1989, at 13 Ill. Reg. 18690.

On January 11, 1990, in R88-26, the Pollution Control Board entered the following Order pursuant to Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1007.2(b):

Section 17-5 of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" with USEPA public water supply rules adopted pursuant to the federal Safe Drinking Water Act (SDWA). The term "identical in substance" has recently been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of the federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons. On August 31, 1989, the Board entered an Order extending the time. The Board estimated that the rules would be adopted during December, 1989. However, on January 10, 1990, the Illinois Environmental Protection Agency (Agency) requested a 30 day extension of the public comment period because of the complexity of this rulemaking. The Board has this day granted the extension. The Board therefore needs to again extend the time for adoption of these rules.

As noted in the August 31, 1989 Order, the USEPA SDWA rules are in 40 CFR 141 et seq. These have been the subject of numerous recent amendments, including two major amendments on June 29, 1989 (54 Fed. Reg. 27526 and 27562). It is not immediately obvious at what time the USEPA rules have or will become, as a matter of federal law, ripe for adoption as State rules. However, on October 5, 1989, the Board proposed rules for public comment corresponding with USEPA rules through June 30, 1989. The proposal appeared on December 1, 1989, at 13 Ill. Reg. 18690. The public comment period was to have ended on January 16, 1990, but has been extended 30 days.

Many of the USEPA rules involved date back to December 24, 1975, long before the mandates of Sections 7.2 and 17.5 of the Act. It is impossible to literally comply with the time requirements with respect to initial adoption of an already

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

ongoing federal program. Also, the initial adoption of a program often involves a far greater effort.

The Board estimates that it will be able to adopt final regulations in this matter during March, 1990.

The Board also notes that the number of federally-driven programs involving large blocks of rules has suddenly expanded from two (RCRA and UIC) to at least five (by addition of Pretreatment, UST, and SDWA). The Board has recently received added funding for expansion of staff to manage these large rulemakings; the Board believes that it will be able to return to schedule as its expanded staff gains experience.

The Board directs that these reasons be published in the Illinois Register pursuant to Section 7.2 of the Act.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

ILL. REV. STAT. 1988 SUPP. CH. 111 1/2, PAR. 1007.2(b)
UST RULES UNDER PAR. 1022.4(d)

NOTICE PURSUANT TO

111. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(d) requires the Board to adopt regulations which are "identical in substance" to USEPA Underground Storage Tank (UST) rules adopted pursuant to the Resource Conservation and Recovery Act. These rules are contained in 35 Ill. Adm. Code 731.

On January 11, 1990, in R89-10, the Pollution Control Board entered the following Order pursuant to Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1007.2(b):

The Board adopted a proposed Opinion and Order in this matter on November 15, 1989. The proposed regulations appeared on January 5, 1990, at 14 Ill. Reg. 153.

Section 22.4(d) of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" with USEPA underground storage tank (UST) rules adopted pursuant to the Resource Conservation and Recovery Act. The term "identical in substance" has recently been defined in Section 7.2 of the Act. Section 7.2(b) requires the Board to adopt a rule within one year of adoption of the federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons. The Board is entering this Order to extend the time.

As is detailed in the November 15, 1989, Opinion, the earliest Federal Registers were November 7, and December 21, 1988. As also noted in the Opinion, the first of these may not result in any change to the Board rules. The comment period will end on approximately February 12, 1990. The next Board meeting will be February 22, 1990. The Board anticipates adopting these rules at that time.

On September 23 and October 26, 1988, USEPA adopted two large sets of rules which completely revised the UST rules in 40 CFR 280. The Board followed USEPA's lead and adopted these rules in two packages, in R88-27 and R89-4, rather than combining them into a normal update batch for the period July 1 through December 31, 1988. By the time R89-4 was completed, it was time to start the update for the period January 1, 1989 through June 30, 1989. This is why the update period is longer than the usual six months.

Inspection of the Federal Registers involved in this update discloses that the USEPA amendments are corrections to the rules

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

adopted in R88-27 and R89-4. These corrections were made at a time when those Dockets were still pending. The corrections could have been adopted in those Dockets, had the corrections come to the Board's attention in time. The error was discovered on November 3, 1989, during drafting of the Order in this matter. Section 7.2(b) gives the Board one year to correct such errors, from the date of discovery. The Board should be able to adopt these rules by November 3, 1990. However, the Board is entering this Order to avoid any future confusion.

As noted in the Order entered in R89-1 on August 31, 1989, the number of federally-driven programs requiring adoption of large blocks of rules has expanded from two (RCRA and UIC) to five (including Pretreatment, UST and SDWA). In the last year the Board has devoted substantial resources to initial adoption of two large new programs (UST and SDWA), and to an unusually large RCRA update (R89-1). The Board has recently received funding for expansion of staff to manage these large rulemakings. The Board believes that it will be able to return to schedule as its expanded staff gains experience.

The Board directs that these reasons be published in the Illinois Register pursuant to Section 7.2 of the Act.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM D-1
SPRINGFIELD, ILLINOIS
9:30 A.M.
MARCH 7, 1990

NOTICE: It is the policy of the Joint Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Joint Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee at the following address:

Joint Committee on Administrative Rules
509 South Sixth Street
Room 500
Springfield, Illinois 62701

AGENDA

I. Approval of February 8, 1990 Minutes

II. Review of Proposed Agency Rulemaking

Department of Agriculture

1. Illinois Pseudorabies Control Act; 8 Ill. Adm. Code 115
-First Notice Published: 13 Ill. Reg. 19329 - 12-15-89
-Expiration of Second Notice Period: 3-22-90
2. Motor Fuel Standards Act; 8 Ill. Adm. Code 850
-First Notice Published: 13 Ill. Reg. 19837 - 12-22-89
-Expiration of Second Notice Period: 4-2-90

Department of Children and Family Services

3. Relative Home Placement; 89 Ill. Adm. Code 335
-First Notice Published: 13 Ill. Reg. 16634 - 10-27-89
-Expiration of Second Notice Period: 3-12-90

Department of Commerce and Community Affairs

4. Industrial Training Program; 56 Ill. Adm. Code 2650
-First Notice Published: 13 Ill. Reg. 15977 - 10-13-89
-Expiration of Second Notice Period: 3-15-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

5. Local Tourism and Convention Bureau Program; 14 Ill. Adm. Code 550
-First Notice Published: 13 Ill. Reg. 17567 - 11-17-89
-Expiration of Second Notice Period: 3-26-90

Office of the Comptroller

6. Contract Content; 74 Ill. Adm. Code 290
-First Notice Published: 13 Ill. Reg. 18649 - 12-1-89
-Expiration of Second Notice Period: 3-8-90

Department of Corrections

7. Rights and Privileges; 20 Ill. Adm. Code 525
-First Notice Published: 13 Ill. Reg. 18052 - 11-27-89
-Expiration of Second Notice Period: 3-16-90

State Board of Education

8. Private Business and Vocational Schools; 23 Ill. Adm. Code 451
-First Notice Published: 13 Ill. Reg. 9133 - 6-16-89
-Expiration of Second Notice Period: 4-6-90

Board of Higher Education

9. Higher Education Cooperation Act; 23 Ill. Adm. Code 1010
-First Notice Published: 13 Ill. Reg. 20203 - 12-29-89
-Expiration of Second Notice Period: 3-30-90

State Board of Elections

10. General Rules and Regulations under the Campaign Financing Act; 26 Ill. Adm. Code 100
-First Notice Published: 13 Ill. Reg. 14539 - 9-22-89
-Expiration of Second Notice: 4-2-90
11. Practice and Procedure; 26 Ill. Adm. Code 125
-First Notice Published: 13 Ill. Reg. 14556 - 9-22-89
-Expiration of Second Notice: 4-2-90

Department of Employment Security

12. Administrative Hearings and Appeals; 56 Ill. Adm. Code 2725
-First Notice Published: 13 Ill. Reg. 19841 - 12-22-89
-Expiration of Second Notice Period: 3-26-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

AGENDA

Environmental Protection Agency

13. State Remedial Action Priorities List; 35 Ill. Adm. Code 860
-First Notice Published: 13 Ill. Reg. 16252 - 10-20-89
-Expiration of Second Notice Period: 3-26-90

Department of Insurance

14. Rules and Rate Filings; 50 Ill. Adm. Code 754
-First Notice Published: 13 Ill. Reg. 19013 - 12-8-89
-Expiration of Second Notice Period: 3-19-90

Department of Labor

15. Health and Safety; 56 Ill. Adm. Code 350
-First Notice Published: 13 Ill. Reg. 5839 - 4-28-89
-Expiration of Second Notice Period: 3-23-90

Pollution Control Board

16. Organic Material Emission Standards and Limitations; 35 Ill. Adm. Code 215
-First Notice Published: 13 Ill. Reg. 12384 - 7-28-89
-Expiration of Second Notice Period: 3-8-90

Department of Professional Regulation

17. Psychologist Registration Act; 68 Ill. Adm. Code 1400
-First Notice Published: 13 Ill. Reg. 2913 - 3-10-89
-Expiration of Second Notice Period: 3-9-90

Department of Public Health/Health Facilities Planning Board

18. Financial and Economic Feasibility Review and Evaluation Plan (For All Long-Term Care and Chronic Disease Facilities); 77 Ill. Adm. Code 1240
-First Notice Published: 13 Ill. Reg. 16703 - 10-27-89
-Expiration of Second Notice Period: 3-15-90

19. Financial and Economic Feasibility Review and Evaluation Plan; 77 Ill. Adm. Code 1230
-First Notice Published: 13 Ill. Reg. 16708 - 10-27-89
-Expiration of Second Notice Period: 3-15-89

20. Practice and Procedures in Reconsideration Hearings, Repeal of; 77 Ill. Adm. Code 1220
-First Notice Published: 13 Ill. Reg. 16714 - 10-27-89
-Expiration of Second Notice Period: 3-15-90

21. Permit Application Fees; 77 Ill. Adm. Code 1190
-First Notice Published: 13 Ill. Reg. 16917 - 11-3-89
-Expiration of Second Notice Period: 3-15-90

22. Repeal of Processing and Application for Permit and Validity of Permits; 77 Ill. Adm. Code 1160
-First Notice Published: 13 Ill. Reg. 17280 - 11-13-89
-Expiration of Second Notice Period: 3-15-90

23. Health Facilities Planning Procedural Rules; 77 Ill. Adm. Code 1130
-First Notice Published: 13 Ill. Reg. 17245 - 11-13-89
-Expiration of Second Notice Period: 3-30-90

Department of Rehabilitation Services

24. Medical, Psychological and Related Services; 89 Ill. Adm. Code 587
-First Notice Published: 13 Ill. Reg. 16719 - 10-27-89
-Expiration of Second Notice Period: 3-19-90

25. Auxiliary Aids; 89 Ill. Adm. Code 540

- First Notice Published: 13 Ill. Reg. 16927 - 11-3-89
-Expiration of Second Notice Period: 3-26-90

Department of Revenue

26. Income Tax; 86 Ill. Adm. Code 100
-First Notice Published: 13 Ill. Reg. 19347 - 12-15-89
-Expiration of Second Notice Period: 3-26-90

27. Pull Tabs and Jar Games Act; 86 Ill. Adm. Code 432
-First Notice Published: 13 Ill. Reg. 19371 - 12-15-89
-Expiration of Second Notice Period: 3-30-90

Secretary of State

28. Remittance Agents; 92 Ill. Adm. Code 1019
-First Notice Published: 13 Ill. Reg. 18843 - 12-1-89
-Expiration of Second Notice Period: 3-8-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

29. Certificates of Title, Registration of Vehicles; 92 Ill. Adm. Code 1010
-First Notice Published: 13 Ill. Reg. 19235 - 12-8-89
-Expiration of Second Notice Period: 3-12-90
30. Dealers, Wreckers, Transporters and Rebuilders; 92 Ill. Adm. Code 1020
-First Notice Published: 13 Ill. Reg. 19241 - 12-8-89
-Expiration of Second Notice Period: 3-12-90
31. Regulations Under Illinois Securities Law of 1953; 14 Ill. Adm. Code 130
-First Notice Published: 13 Ill. Reg. 16302 - 10-20-89
-Expiration of Second Notice Period: 3-23-90

Board of Trustees of the University of Illinois

32. Program Content and Guidelines for Division of Services for Crippled Children; 89 Ill. Adm. Code 1200
-First Notice Published: 13 Ill. Reg. 19885 - 12-22-89
-Expiration of Second Notice Period: 3-30-90

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency Rulemaking and Peremptory Rulemaking

Department of Central Management Services

33. Pay Plan; 80 Ill. Adm. Code 310 (Peremptory)
-Notice Published: 14 Ill. Reg. 1627 - 1-26-90

Department of Children and Family Services

34. Licensing Standards for Youth Emergency Shelters; 89 Ill. Adm. Code 410 (Emergency)
-Notice Published: 14 Ill. Reg. 999 - 1-12-90

Housing Developmental Authority

35. Affordable Housing Program; 47 Ill. Adm. Code 360 (Emergency)
-Notice Published: 14 Ill. Reg. 2094 - 2-2-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Labor

36. Prevailing Wage Hearing Procedures; 56 Ill. Adm. Code 100 (Emergency)
-Notice Published: 14 Ill. Reg. 1026 - 1-12-90

Department of Public Aid

37. Medical Assistance Programs; 89 Ill. Adm. Code 120 (Emergency)
-Notice Published: 14 Ill. Reg. 1494 - 1-19-90

Department of Public Health

38. The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790 (Emergency)
-Notice Published: 14 Ill. Reg. 1505 - 1-19-90

39. Structural Pest Control Code; 77 Ill. Adm. Code 830 (Emergency)
-Notice Published: 14 Ill. Reg. 1036 - 1-12-90

V. Agency Responses to Joint Committee Statements of Objection

Pollution Control Board

40. Water Quality Standards; 35 Ill. Adm. Code 302
-First Published: 13 Ill. Reg. 14172 - 9-15-89
-Objection Date: 1-10-90
-Response: Refusal

Department of Rehabilitation Services

41. Program Description; 89 Ill. Adm. Code 675
-First Published: 13 Ill. Reg. 14319 - 9-15-89
-Objection Date: 1-10-90
-Response: Agreement
42. Service Plan Development; 89 Ill. Adm. Code 700
-First Published: 13 Ill. Reg. 14331 - 9-15-89
-Objection Date: 12-14-89
-Response: Refusal

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 13, 1990, through February 16, 1990, and have been scheduled for review by the Committee at its March 7, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its March meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/30/90	Board of Higher Education, Higher Education Cooperation Act (23 Ill. Adm. Code 1010)	12/29/89 13 Ill. Reg. 20203	March 7, 1990
3/30/90	Board of Trustees of the University of Illinois, Program Content and Guidelines for Division of Services for Crippled Children (89 Ill. Adm. Code 1200)	12/22/89 13 Ill. Reg. 19885	March 7, 1990
3/30/90	Department of Revenue, Pull Tabs and Jar Games Act (86 Ill. Adm. Code 432)	12/15/89 13 Ill. Reg. 19371	March 7, 1990
3/30/90	Department of Public Health/Health Facilities Planning Board, Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130)	11/13/89 13 Ill. Reg. 17245	March 7, 1990
4/2/90	State Board of Elections, General Rules and Regulations under the Campaign Financing Act (26 Ill. Adm. Code 100)	9/22/89 13 Ill. Reg. 14539	March 7, 1990
4/2/90	State Board of Elections, Practice and Procedure (26 Ill. Adm. Code 125)	9/22/89 13 Ill. Reg. 14556	March 7, 1990
4/2/90	Department of Agriculture, Motor Fuel Standards Act (8 Ill. Adm. Code 850)	12/22/89 13 Ill. Reg. 19837	March 7, 1990

PROCLAMATION

90-44

LEAGUE OF WOMEN VOTERS WEEK (REVISED)

Whereas, the League of Women Voters of Illinois will gather on February 18, 1990, at the Congress Hotel in Chicago for a double celebration of the founding of the National League of Women Voters on February 14, 1920, also at the Congress Hotel, and the founding of the League of Women Voters of Illinois in October 1920; and

Whereas, the League of Women Voters of Illinois has worked for seventy years to encourage all citizens to become informed and active participants in government, and

Whereas, the League of Women Voters of Illinois has assisted Illinois voters in learning about candidates for public office and their positions on public issues; and

Whereas, the League of Women Voters of Illinois has provided objective information to Illinois citizens on issues including education, child welfare, fiscal policy, environment, civil rights, and mental health; and

Whereas, the League of Women Voters of Illinois has trained its members and other interested citizens to become political leaders and to help shape public policy; and

Whereas, the League of Women Voters of Illinois has promoted open, accountable, and responsive government to benefit all citizens of Illinois;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 12-18, 1990, as LEAGUE OF WOMEN VOTERS WEEK in Illinois in recognition of the League's first seventy years of service to the citizens of Illinois and in support of their continued success.

Issued by the Governor February 15, 1990.
Filed with the Secretary of State February 20, 1990.

90-47

DECLARES CHAMPAIGN COUNTY TO BE A
DISASTER AREA

Severe winter storms involving freezing rain and high wind on February 14 and 15, 1990 caused serious power outages and extensive damages to power lines and trees in Champaign County located in east-central Illinois.

In the interest of aiding those cities and residents who suffered losses because of this storm damage, I hereby declare Champaign County to be a State of Illinois Disaster Area, pursuant to the provisions of Section 7 (a) of the "Illinois Emergency Services and Disaster Agency Act of 1988" (P.A. 85-1027, effective June 30, 1988).

This gubernatorial declaration of disaster will assist the Illinois Emergency Services and Disaster Agency in coordinating

other State agency resources including the Illinois National Guard and the Illinois Department of Transportation; continue the active status of the Emergency Operations Center; provide for the reassessment of real and personal property substantially damaged by the storm; and make possible any requests for Federal assistance.

Issued by the Governor February 15, 1990.

Filed with the Secretary of State February 16, 1990.

90-48

IRVING DILLIARD DAY

Whereas, Irving Dilliard retired from the St. Louis Post-Dispatch in 1960. He was editor of the editorial page from 1949 to 1957, and during that time he wrote more than 10,000 editorials for the newspaper; and

Whereas, he worked as a professor at Princeton University from 1963 to 1973; and

Whereas, Irving Dilliard served as the first Director of the Illinois Department on Aging from 1974 to 1975; and

Whereas, he holds a special interest in constitutional law and civil rights. He was responsible for putting together the pamphlet, Building the Constitution, that described the 1787 Constitutional Convention. Nearly 850,000 copies of the pamphlet have been distributed free to schools; and

Whereas, in Irving Dilliard's honor, the Collinsville Lions Club is establishing the Dilliard Award to recognize distinguished citizenship and personal accomplishment; and

Whereas, Irving Dilliard is the first recipient of the award; Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 3, 1990, as IRVING DILLIARD DAY in Illinois in honor of his numerous achievements.

Issued by the Governor February 13, 1990.

Filed with the Secretary of State February 20, 1990.

90-49

LITHUANIAN INDEPENDENCE DAY

Whereas, the members of the Lithuanian Council of Chicago are observing the 72nd anniversary of Lithuania's independence; and

Whereas, Lithuania's history as a nation dates back to the 13th century; and

Whereas, its independence was interrupted by the nefarious agreement between Hitler and Stalin; and

Whereas, the Lithuanian people are currently engaged in a courageous and determined struggle to regain their independence from Soviet occupation; and

Whereas, Lithuanian Americans have played a significant part in the progress of Illinois and have proudly shared their cultural heritage with us; and

Whereas, we are grateful for their contributions to Illinois and to our individual lives;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 16, 1990, as LITHUANIAN INDEPENDENCE DAY in Illinois in commemorating the anniversary of this special day of independence.

Issued by the Governor February 13, 1990.

Filed with the Secretary of State February 20, 1990.

90-50

RE/MAX OF NORTHERN ILLINOIS DAY

Whereas, RE/MAX of Northern Illinois has contributed to Illinois' economic growth through its continual expansion. RE/MAX of Northern Illinois has grown from one office in 1977 to more than 115 offices in 1990; and

Whereas, RE/MAX of Northern Illinois has helped citizens of this state meet housing needs; and

Whereas, RE/MAX associates strive to promote Illinois as a place to live; and

Whereas, RE/MAX of Northern Illinois has shown its concern for the homeless by establishing the CARES Foundation, to which RE/MAX associates donate a percentage of their real estate commissions;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 16, 1990, as RE/MAX OF NORTHERN ILLINOIS DAY in Illinois.

Issued by the Governor February 13, 1990.

Filed with the Secretary of State February 20, 1990.

90-51

SEED MONTH

Whereas, the abundance of Illinois crops relies on the fertile soil, diligent farmers and high-quality seeds; and

Whereas, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and

Whereas, the seed industry in Illinois significantly contributes to the state's agricultural diversity as well as its economic integrity and, therefore, serves as a model enterprise for future Illinois value-added productivity; and

Whereas, the Bureau of Laboratories of the Illinois Department of Agriculture tests the purity and germination of seeds, and validates correctness of labeling. The official seed-certifying agency in the state is the Illinois Crop Improvement Association, and independent, non-profit organization; and

Whereas, the Illinois Seed Dealers Association, in cooperation with educational and regulatory agencies, has

developed an effective seed program. The association also informs its membership of latest research developments, current legislation affecting the seed industry, and the availability of quality seed;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 1990 as SEED MONTH in Illinois, in appreciation of these efforts to ensure that seeds planted in our state will help supply food to the hungry people of the world.

Issued by the Governor February 13, 1990.
Filed with the Secretary of State February 20, 1990.

90-52

VOLVO TENNIS/CHICAGO WEEK

Whereas, the Volvo Tennis/Chicago men's professional tournament will feature 24 international stars in competition for the championship; and

Whereas, the Volvo Tennis/Chicago tournament will take place for its sixth consecutive year; and

Whereas, a tennis event of this magnitude enhances Illinois' reputation as a center of great sporting events;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 27-April 1, 1990, as VOLVO TENNIS/CHICAGO WEEK in Illinois.

Issued by the Governor February 13, 1990.

Filed with the Secretary of State February 20, 1990.

90-53

AMERICAN MUSIC MONTH

Whereas, music, one of the great arts, is often described as the universal language. Its value is recognized as a source of enrichment for our lives; and

Whereas, the annual Parade of American Music, sponsored by the National Federation of Music Clubs, is featured throughout the month of February to give recognition to America's music traditions and to encourage and support worthy United States composers; and

Whereas, the Illinois Federation of Music Clubs is a component of the National Federation and joins in the Parade with its notable purposes;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1990 as AMERICAN MUSIC MONTH in Illinois in recognition of United States creative musical artists and America's music tradition. I urge Illinoisans to join in the observance of American Music Month through appreciation and enjoyment of American music.

Issued by the Governor February 15, 1990.

Filed with the Secretary of State February 20, 1990.

90-54

LEGION OF VALOR DAY

Whereas, the Legion of Valor was initiated on April 23, 1890, by Medal of Honor recipients who participated in the Civil War and the Indian Campaigns; and

Whereas, our nation's armed forces have and will continue to serve our country in order to protect the rights and freedoms of U.S. citizens; and

Whereas, these brave and courageous Americans symbolize the kind of courage and devotion that has repeatedly proven instrumental in shaping our nation's destiny; and

Whereas, we should remember to honor these brave American heroes who have so courageously earned our highest regards;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 3, 1990, as LEGION OF VALOR DAY in Illinois to honor these brave men and women on the 100th anniversary of the Legion of Valor and show our lasting appreciation for the contributions made by these American heroes. Issued by the Governor February 15, 1990.

Filed with the Secretary of State February 20, 1990.

90-55

LUSTER'S BLACK HERITAGE DAY

Whereas, a terrible fire ravaged Chicago's Holy Angels Church, leaving its parishioners without a permanent place to worship; and

Whereas, Fred Luster, Sr., president of Luster Products, spearheaded efforts to raise funds to build a new church; and

Whereas, the S-Curl Black Heritage Performance evolved in order to raise funds for a new Holy Angels Church and to honor the Black Church during Black History Month;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 23, 1990, as LUSTER'S BLACK HERITAGE DAY in Illinois in honor of Fred Luster, Sr. and others who are dedicated to making a permanent place for the congregation of the Holy Angels Church.

Issued by the Governor February 15, 1990.

Filed with the Secretary of State February 20, 1990.

90-56

STUDENT COUNCIL WEEK

Whereas, this year marks the 56th anniversary of the Illinois Association of Student Councils, a most auspicious group of student representatives; and

Whereas, the association serves the students of more than 300 high schools and is among the best state organizations in the nation; and

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ILLINOIS REGISTER

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Whereas, each year, the annual convention provides an opportunity for these outstanding student leaders to gather and exchange information, ideas and inspiration, further stimulating the growth and development of each of the participants, and in turn, those they represent;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 29-May 5, 1990, as STUDENT COUNCIL WEEK in Illinois, and congratulate all student council members on their dedicated service to the students in our state.

Issued by the Governor February 15, 1990.

Filed with the Secretary of State February 20, 1990.

90-57

WILLIAM J. WEISZ DAY

Whereas, William J. Weisz will retire as an officer of Motorola, Inc. at the end of 1990; and

Whereas, Weisz began his career with Motorola in 1948 as a junior development engineer after he served in the U.S. Navy as an electronic technician; and

Whereas, Weisz became vice president of Motorola, Inc. in 1961, president in 1970, chief operating officer in 1972, vice chairman in 1980, executive officer from 1986 to 1987, and continues to serve as vice chairman of the board of directors; and

Whereas, he is a graduate of the Massachusetts Institute of Technology and is still active in the school's affairs; and

Whereas, in 1970 he received the National Electronics Conference Award of Merit and in 1981 he earned the Electronic Industries Association's (EIA) Medal of Honor, the EIA's highest individual recognition; and

Whereas, he has served on numerous boards and committees, including the Federal Communications Commission Land Mobile Advisory Committee, the U.S. Secretary of Commerce's EXPORT NOW Advisory Committee, and the U.S. Defense Policy Advisory Committee on Trade;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 21, 1990, as WILLIAM J. WEISZ DAY in Illinois in recognition of his many accomplishments.

Issued by the Governor February 15, 1990.

Filed with the Secretary of State February 20, 1990.

JCAR - Joint Committee on Administrative Rules

ACTION CODES

A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Ordered by JCAR
C - Notice of Corrections	PP - Peremptory or Court ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 III. Grain Insurance Act (P-18048/85; A-6818)

TITLE PART ACTION CODE PAGE NUMBER PREVIOUS VOLUME ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-1077) (P-13638/89; O-17144/89; R-1553) (P-13353/89; A-1233)

89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15911/89; A-1907)

8 Ill. Adm. Code 75 Bovine Brucellosis (P-15915/89; A-1911)

8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919)

8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)

8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-15942/89; A-1935)

8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)

8 Ill. Adm. Code 45 Marketing Center (Livestock) (P-15956/89; A-1949)

2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584)

8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)

8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15968/89; A-1961)

AUDITOR GENERAL

74 Ill. Adm. Code 420 Code of Regulations (P-1541)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 395 Corporate Fiduciary Branch Offices (P-2981)

38 Ill. Adm. Code 396 Corporate Fiduciary Subsidiaries (P-2985)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-2989) (E-3235)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 310 Pay Plan (P-427) (P-15141/89; A-615) (PP-1627)

80 Ill. Adm. Code 3000 The Travel Regulation Council (P-1548)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439) (E-999)

89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684)

89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1) (P-2205)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)

56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-5017/89; A-1976)

COMMERCE COMMISSION, ILLINOIS

92 Ill. Adm. Code 1207 Agents for Service of Process (P-15150/89; A-3033)

83 Ill. Adm. Code 760 Cellular Radio Exclusion (P-13358/89; A-3037)

83 Ill. Adm. Code 900 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)

92 Ill. Adm. Code 1300 Minimum Rate (PR-14147/89; AR-3040)

83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)

92 Ill. Adm. Code 1710 Relocation Towing (P-2721)

83 Ill. Adm. Code 755 Telecommunications Access for the Deaf (P-15157/89; A-3042)

83 Ill. Adm. Code 757 Telephone Assistance Program (P-2731)

83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-13361/89; A-1605)

83 Ill. Adm. Code 710 Uniform System of Accounts for Telecommunications Carriers (P-1552)

COMMUNITY COLLEGE BOARD, ILLINOIS

23 Ill. Adm. Code 1501 Administration of the Public Community College Act (P-14) (E-299)

COMPTROLLER

2 Ill. Adm. Code 625 Access to Information (A-186)

CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-15509/89; A-638)

17 Ill. Adm. Code 3040 III. Bicycle Path Grant Program (P-442)

17 Ill. Adm. Code 1050 III. List of Endangered & Threatened Flora (P-455)

17 Ill. Adm. Code 3030 Land & Water Conservation Fund Grant Program (P-478)

17 Ill. Adm. Code 210 Rental of Boats & Boating Facilities (P-16892/89; A-2013)

17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-491) (P-2419)

17 Ill. Adm. Code 710 Taking of Wild Turkeys - Spring Season, The (P-15534/89; A-663)

EDUCATION, BOARD OF HIGHER

23 Ill. Adm. Code 1025 Engineering Grant Program (P-14516/89; A-2015)

23 Ill. Adm. Code 1020 Health Services Education Grants Act (P-14521/89; A-2020)

23 Ill. Adm. Code 1010 Higher Education Cooperation Act (E-20390/89; O-3275)

23 Ill. Adm. Code 1000 III. Financial Assistance Act for Nonpublic Institutions of Higher Learning (P-14511/89; A-2030)

EDUCATION, STATE BOARD OF

23 Ill. Adm. Code 25 Certification (P-8756/89; A-1243)

23 Ill. Adm. Code 253 Comprehensive Health Education (P-1645)

23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (P-8766/89; O-18943/89; R-1534; A-1254)